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California JOURNAL

Independent analysis of politics and government

Government

1995

Inside:

Clay Jackson interview
Wilson bows out
The open primary

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Inspiring Future Scientists

Lydia Cheng watches as Dr. Laurie Gage takes a sample of stomach contents from a dolphin at Marine World Africa USA in Vallejo, California.

Real Science! Draws Teens to Careers

Imagine your kids switching channels to watch a teen reporter petting a pregnant dolphin, hunting dinosaur tracks in Utah or blasting off for Mars via virtual reality.

It could happen, thanks to a new public television program, *Real Science!* Created by KTEH-TV in San Jose, with support from Hitachi, this fast-paced series features teen reporters visiting with scientists to find out what they do, why they enjoy it, and what teenagers can do to prepare themselves for similar careers.

Real Science! was developed to change American teens' attitudes towards the sciences. Statistics reveal a striking drop in interest in science by the time students reach the seventh grade. Equally alarming, American teens rank behind teens in other countries in scientific proficiency.

Hitachi is helping to reverse this trend by donating use of its TV facilities and committing $90,000 to produce and distribute *Real Science!* Four episodes are currently airing on public television and in schools, and 13 more are planned for the fall.

The show's producer, Maura Daly Phinney of San Jose public television station, KTEH, says *Real Science!* has one overriding goal: "We want the program to encourage students to pursue careers in science."

Hosted by California's 1994 Young Woman of the Year, Lydia Cheng, the series appeals to young people ages 8 to 18. Each 30-minute episode includes segments on three different science careers. Viewers accompany teenagers as they visit scientists, who demonstrate and explain their day-to-day work.

Supporting *Real Science!* is just one way Hitachi fulfills its social commitments. "We want to enrich the lives of young people by giving them fuel for their dreams," said Fred Hansen, executive vice president of Hitachi Data Systems. "Society's future rides on the hopes of today's youth, and we owe them an opportunity to create rewarding careers and fulfilling lives."

Maura Daly Phinney, producer of the *Real Science!* series.

Hitachi's outreach efforts include direct funding of projects like *Real Science!*, as well as donations and employee volunteerism for a host of national, regional and community-based projects. These activities benefit education, the arts, the environment, health care and social services.

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California JOURNAL

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Convicted of racketeering in 1993, former lobbyist Clay Jackson now spends his days in federal prison. In a wide-ranging interview, he talks about the FBI sting operation and a legislative culture that he says hasn't changed a bit.
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As an ongoing feature of our 25th Anniversary year, the *Journal* continues its exploration of the California dream by presenting essays and articles on issues of importance to the state's future. This month, we focus on government itself.

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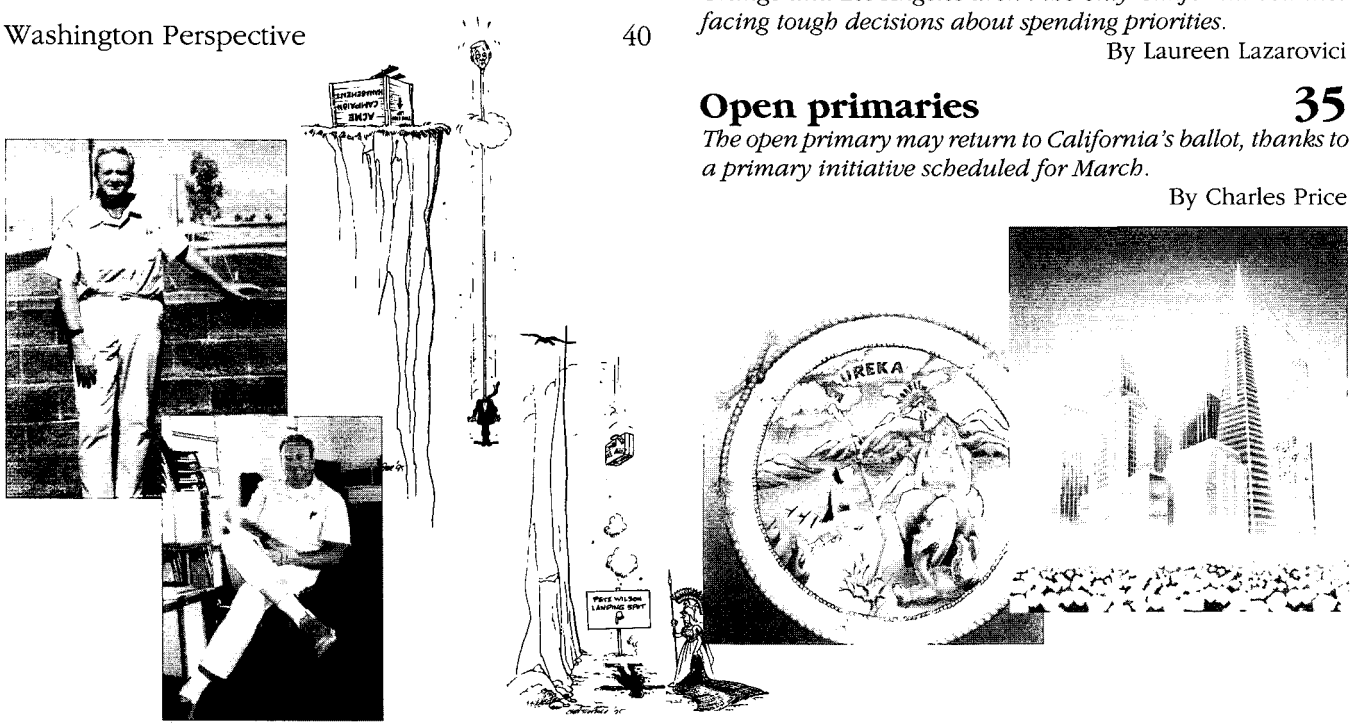

Cover: Figure on Porch, 1959, by Richard Diebenkorn. Courtesy of the Oakland Museum. Anonymous Donor Program of the American Federation of the Arts, Diebenkorn was educated at Stanford and UC Berkeley. He was influential in the Bay Area Figurative movement and moved to Santa Monica in 1966. There, his Ocean Park series, went beyond the figure into a realm where the California landscape became wholly abstract and architectural. His paintings became increasing more subtle in texture and light and are a clear representation of what can be called the "California light'. Diebenkorn died in 1993, soon after to moving to his home in Sonoma.

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Up Front

UMBRAGE

That was then. Word has it that Governor Pete Wilson will quietly drop plans to pursue an initiative that, if successful, would have prevented Lieutenant Governor Gray Davis from assuming the governorship, had Wilson — for whatever reason — vacated the office. Wilson's notion was to circumvent constitutional provisions for succession and instead hold a special election to elect a new governor — thereby removing an embarrassing obstacle in his quest for the presidency. So, what was the rationale for proposing an initiative that took a cleaver to the constitution? It was good public policy? It was politically expedient for Pete Wilson? The governor received a direct order from the Klingon home planet?

Charity patrol. Charity begins at home, as they say, and according to the California Tax Reform Association, several members of the state's congressional delegation stand to benefit from tax cuts passed recently as part of the House of Representatives tax bill. Citing studies done by two Washington, D.C.-based watchdogs — Citizen Action and Citizens for Tax Justice — the CTRA itemized the potential benefits gained by the 25 members of the state's delegation who voted in favor of the cuts. Congressman Bill Baker (R-Walnut Creek) leads the list, which is based on income and disclosure statements filed with the federal government. The personal tax cut puts an additional $90,214 in Baker's pocket, while the corporate cut adds another $21,050 to the kitty — giving him a $111,265 windfall. Congressman Sonny Bono (R-Palm Springs) stands to gain $53,543, most of it from the corporate tax cut.

'50s redux. In an evening punctuated by occasionally weird rhetoric, perhaps the weirdest diatribe to filter through the Assembly chambers during the marathon last night of session was delivered by Assemblyman Steve Baldwin (R-El Cajon), who railed against a plan to put flouride in water systems throughout the state. Citing a study, Baldwin complained that, over time, flouride builds up in the brain and thus lowers intelligence. The bill passed, and the governor subsequently signed it.

Testimonial. During the Assembly floor debate over extending the state's manufacturing tax credit to restaurants, a Democratic opponent of the extension questioned what it was that restaurants "manufacture"? Said Assemblyman Jim Brulte (R-Rancho Cucamonga), who weighs over 300 pounds: "Restaurants manufactuer people like me."

Rulemaker. One of the things we may miss most next year is the occasional lecture to the house from former Speaker Willie Brown Jr. (D-San Francisco), who will leave the Legislature if he is elected mayor of San Francisco this coming December. During the final floor session of the year, Brown admonished lawmakers for their failure to resolve the financial messes bedeviling Los Angeles and Orange counties. Brown expressed disappointment over the way legislators tried desperately to "hope against hope for delivery" from fiscal purgatory. The manner in which one deal after another was hatched and dissolved during the marathon session "cost the image of this house," said Brown, concluding that "the only thing you have between you and chaos is the rules." Does anyone remember the way former Assemblyman — now Senator — Richard Mountjoy (R-Arcadia) was ushered out of the house? Yes, of course, "the rules."

"I value a man mainly for his primary relations with truth, as I understand truth — not for any secondary artifice in handling his ideas. Some of the sharpest men in argument are notoriously unsound in judgment."

— Oliver Wendell Holmes

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Rostrum
LETTERS

Public safety

Joseph McNamara makes several interesting points, some valid, in his article on crime (see *CJ*, October 1995). But he is dead wrong when he suggests that "three strikes" will result in the "criminal justice system ... [focusing] mostly on minor criminals...." The three-strikes initiative provides for lengthy sentences for criminals who have previously committed two or more *serious* or *violent* felonies. And contrary to his assertion, his pizza thief didn't get a 25-year sentence for hunger pains. It was for a lifetime of violence and crime.

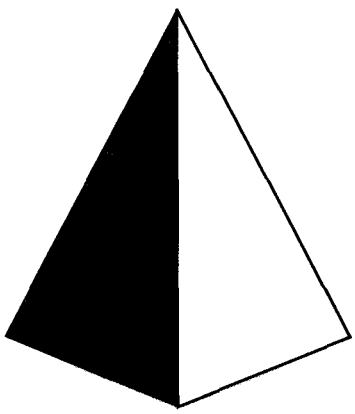
MICHAEL BRADBURY
District Attorney
Ventura County

The California Almanac

The 1995 "California Political Almanac," published but not written by *California Journal* editors, contained this sentence about political consultant Ken Khachigian in reference to his participation in the Proposition 174 campaign: "His willingness to tell any outrageous lie over and over again to promote his cause surprised many long-time colleagues." This is a statement of opinion presented without any evidence to back its claim that Mr. Khachigian lacks honesty and integrity, and was out of place in a publication primarily devoted to factual material. The statement had no basis in fact. It should not have been made, and the editors of the *Journal* regret it.

Mr. Khachigian worked as a White House speechwriter for Presidents Richard Nixon and Ronald Reagan. He has served as consultant and senior advisor to Governors George Deukmejian and Pete Wilson and many other California candidates and campaigns. He was on the *California Journal* Board of Directors from 1984 to 1986.

JUD CLARK
President
StateNet



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Clay Jackson ir

After nearly two years in prison, and after a stern rebuke from a federal appeals court, the legendary lobbyist is anything but contrite about the circumstances that led to his fall. Instead, he insists that those who prosecuted and convicted him just didn't understand the universe of legislative politics and deal-making.

By Sigrid Bathen

For many years, Clayton R. Jackson — a chemical engineer-trained lawyer and former offensive tackle at USC — was California's highest paid and arguably most powerful lobbyist. In December 1993, after an eight-week trial with co-defendant and former Democratic state Senator Paul Carpenter, he was convicted in United States District Court in Sacramento of racketeering, conspiracy and mail fraud — one of 14 political figures, including Carpenter, to be convicted in an unprecedented federal sting operation designed to ferret out political corruption in the California Legislature (see CJ, *August 1994). The only lobbyist indicted or convicted in the sting, Jackson was sentenced to more than six years in federal prison and has served about one-third of that sentence. He and former Democratic Senator Joseph Montoya received the longest sentences of any of the defendants. Last July, Jackson's appeal to the Ninth U.S. Circuit Court of Appeals in San Francisco was denied in a further but particularly blistering rebuke of Jackson's defense.*

Jackson, 52, is serving his sentence at Nellis Federal Prison Camp near Las Vegas, where he was interviewed for California Journal *by longtime Sacramento journalist and legal affairs writer Sigrid Bathen, who has written extensively on the role of lobbyists in the political process. The three-hour interview was conducted on September 19th — the first interview with Jackson since he lost his appeal. He talked about his fall, his trial, his dimming hopes for reversal on appeal, his life in prison, plans for the future and a political system that some say is the shadowy, true culprit in the investigations of corruption in the state Capitol.*

Sigrid Bathen is a former reporter for The Sacramento Bee *who teaches journalism at California State University, Sacramento, and writes for several publications.*

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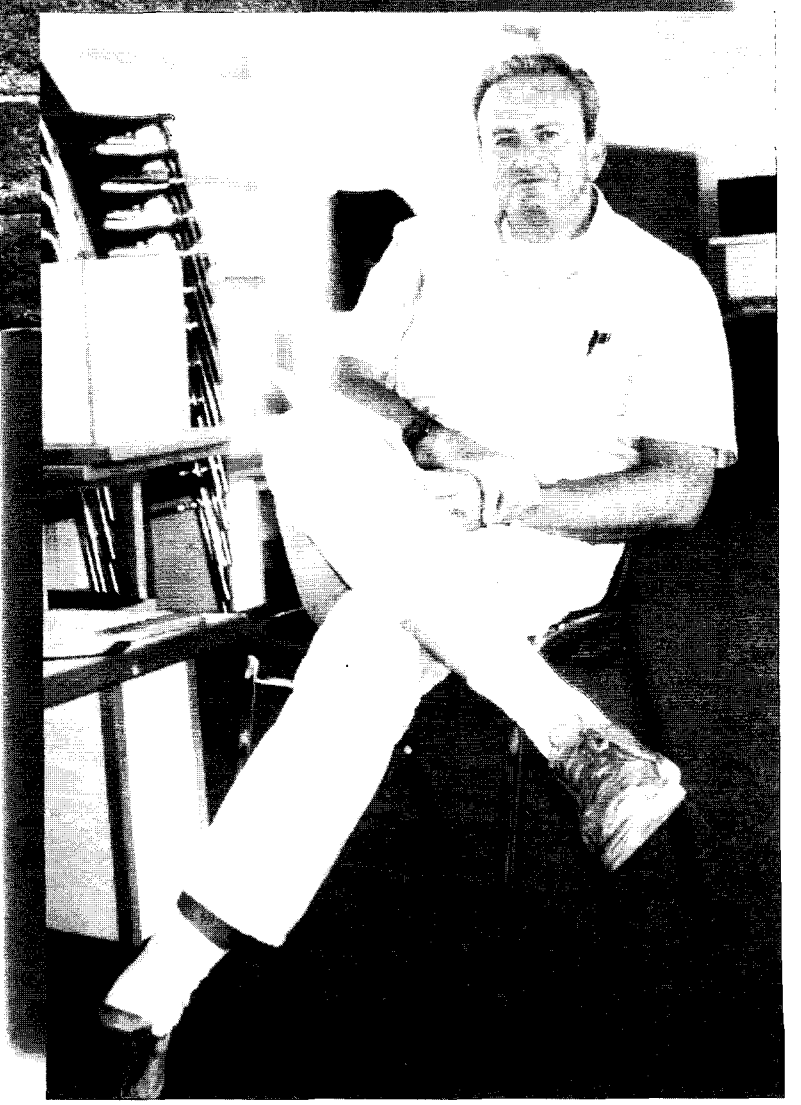
prison

"Lobbyists have always been sort of demonized characters in American political life, even though they've been critical to most legislation at most times."

— Clay Jackson
Nellis Federal Prison Camp,
North Las Vegas, September 1995



Photos by Sigrid Bathen

"It's not an inscrutable situation. It's not one person or a cabal doing this — it's all sorts of people. The people in these systems are still people; they have jobs to do and goals to accomplish. A lobbyist is nothing more, nothing less, than a private politician."

— Clay Jackson
"Lobbyist Clay Jackson: The New 'Big Daddy'"
California Journal, February 1990

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It is a blistering, parched fall morning in the desert about a half-hour drive outside Las Vegas, on the fringes of Nellis Air Force Base — "the mecca of advanced combat aviation training," according to an Air Force fact sheet — where the 500-inmate Nellis Federal Prison Camp supplies the base with menial labor for cleaning, gardening and the like. Clay Jackson has been here for nearly nine months, after a year in a camp in Dublin near San Francisco, which has since been converted to a women's prison. He has moved up from fixing air conditioners and heaters (a skill learned from his father, which helped put him through college and law school) at Dublin to working as a law clerk at Nellis.

Wearing beltless tan khakis, matching shirt, dusty brown shoes with white socks — ballpoint pens and a yellow high-lighter sprouting out of one shirt pocket, a small notebook with the names and phone numbers of friends and supporters in the other — Jackson is tanned, appears fit and weighs nearly 100 pounds less than in his 300-plus days in the state Capitol. Before and during his ordeal — which began when his office was raided by the FBI in late 1991, more than a year before his indictment in early 1993 — Jackson said the stress and tension caused him to pack 360 pounds onto his 6'6" frame. He now weighs 260.

"It's a pretty expensive fat farm," he told a reporter who interviewed him in Dublin shortly before he was moved to Nellis. Nellis' cuisine is about as mundane as at Dublin, he says, but without the fresh vegetables grown on a farm at the California camp. "Nothing grows out here," he says, grinning and gesturing at a bleak, dusty landscape painted in a depressing shade of tan, with only the dark mountains rimming the desert to break the monotony. He seems unfazed by the intense heat.

Always a voracious reader, Jackson subscribes to numerous magazines and newspapers and stays on top of developments in the insurance industry by reading industry trade publications. Several members of his approved visitors' list — he can have 12, plus family — are current or former insurance executives who, he adds, are also longtime friends. Friends send him articles and one even passes on news stories from his clipping service.

"I read pretty much the same eclectic group of things I read before," he says. "Right now I'm reading Kissinger's 'Diplomacy.' I've also picked up Graves' 'I Claudius' — I'd watched the series on TV, but I'd never read it. This morning, I got Garry Wills' 'Lincoln at Gettysburg' out of the library."

The Clay Jackson

What follows are excerpts from the Nellis interview. It is not intended to examine all aspects of the sting trials, nor to determine the veracity of Jackson's contentions or those of the prosecution, other than to note that he was convicted by a jury and denied on appeal to a higher court. It is intended simply as an examination of the views of a longtime major player in the California political scene. A condition of the interview, in fact, was that Jackson agreed to answer some questions about his trial and appeal, but that he could not go into detail about certain aspects of his appeal, so as not to jeopardize what remains of his appellate rights.

CJ: *What were your feelings when you learned of the tapes? Did you feel betrayed by Alan Robbins? Angry?*

Jackson: I was shocked, horrified. My first feeling, knowing that they were all going public, was one of embarrassment. You don't like your private conversations publicized all over the place. But, other than the 5 or 10 percent relating to the workman's comp issue, those kinds of conversations, those kinds of discussions, even the verbiage used, are used in most senior offices all day long at the end of the session. And they're used between senior lobbyists and senior members [of the Legislature].

One of the difficulties of being in a trial like this is people don't understand what goes on in a parliamentary body, and they truly don't understand what a lobbyist does or is supposed to do. Lobbyists have always been sort of demonized characters in American political life, even though they've been critical to most legislation at most times.

CJ: *How do you view Alan Robbins, as a public servant, as a human being?*

J: Alan is, well, he is what he is. I'm not angry at Alan Robbins, who I've known since a month after he was elected when he replaced Tom Carroll down in the San Fernando Valley in a special election after Tom died in '73. When Robbins was elected, he was put on the Judiciary Committee, and that was where all the action was, all the fighting, and [a bill to establish no-fault insurance in California] was stuck there. In 1982 and 1983, it looked like it was going to become unstuck. During the course of that time, there developed what became known as the 'Three Rs,' three brand-new boys for that committee — David Roberti, Robbins and Omer Rains. And, eventually, the following year, those were the three people who ... sprung the bill out of committee over the opposition of the other side. So of course we worked 'em.

CJ: *How would you describe Robbins?*

J: Like any human, you have to start with what they are, and make your judgments after that. But basically, Alan is a one-dimensional person, extremely bright. There isn't anything in Alan's universe but Alan. I've never seen him exhibit any real care for any human, even members of his family. They were just things, like everybody else. It doesn't surprise me that Alan did what he did. When you

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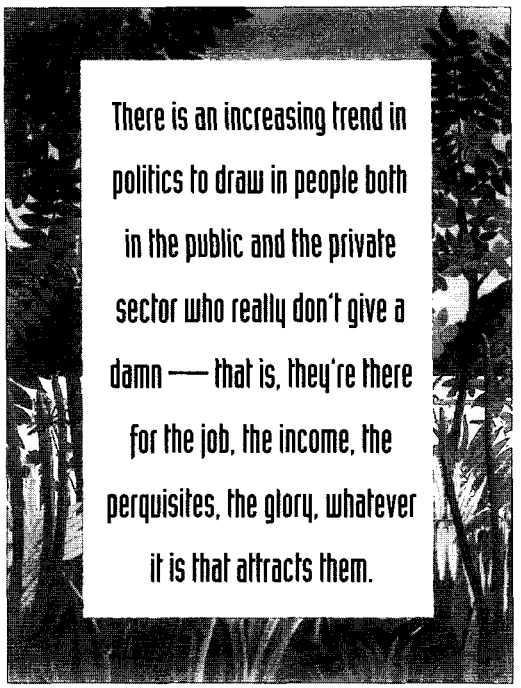
Jackson works daily and volunteers evenings in the law library, helping inmates with legal problems and researching federal criminal law for his own case, although he is not optimistic about future appeals. The next step is to request an *en banc* hearing of the appellate court, which is unlikely to change anything, and then review by the U.S. Supreme Court, also a long shot. He is resigned to serving out the four years remaining in his sentence and has started correspondence classes for an MBA, since he will be disbarred if the appeals are unsuccessful.

Jackson, who graduated from Hastings Law School in San Francisco and taught law for many years at San Francisco Law School, also teaches reading and writing composition to inmates — "many of these guys are functionally illiterate," he says — and teaches a class for inmates, which he designed, about the history and operation of government regulatory agencies. "I teach the principles of operation of the regulatory agencies, their constitutional and legal authority, how government works — and why you have to hire people like me." And he laughs. "It's kinda fun, particularly with people who haven't gone to school for a while." He says many of the inmates in the minimum-security facility are there for so-called white-collar crimes, and many for drug-related offenses.


There is an increasing trend in politics to draw in people both in the public and the private sector who really don't give a damn — that is, they're there for the job, the income, the perquisites, the glory, whatever it is that attracts them.

Inmates have use of base recreational facilities at certain times, and Jackson works out in the weight room several times a week. His day starts with breakfast between 5:30 a.m. and 7 a.m. Work in the law

Interview

work with somebody like that, you take into account what they are, and you work with them.

Alan is absolutely devoid of common sense. He can say something absolutely brilliant, and then something so foolish you wonder how it came out of the mouth of any human being. And he can't tell the difference between the two. I've never seen anyone like that, particularly with his intelligence. He has a high I.Q., but none of the other qualities of intelligence ... It was a very dangerous game that Alan played.

CJ: *In retrospect, what would you have done differently? Some people have asked how you could have been so stupid? They say you're too smart, too savvy to have made such a horrendous mistake.*

J: In politics, there are all kinds of human beings. From the outside looking in, you usually don't see it. What you see is designed to be reflected out. On the inside where governing occurs, it is a full-body exercise in a government this gigantic. Everything is under the control of the government, and the people who are subject to the power of the government fight like hell. In a way, it's a replacement for warfare and violence in [effecting] political change. Therefore, when the people conflict, they conflict with everything they've got — their psychologies, their emotions, sometimes even their musculature, their brains, their intellect, their rhetoric. You name it, you've got it. It's one of the few things left [in the political system] where you do have a full-body exercise.

There is an increasing trend in politics to draw in people both in the public and the private sector who really don't give a damn — that is, they're there for the job, the income, the perquisites, the glory, whatever it is that attracts them.

CJ: *You were a lobbyist for more than two decades. What are you going to do when you are released?*

J: Depends on how I get out. If I don't overturn anything, I'll be disbarred. I've signed up to complete an MBA through the University of Phoenix. I figure if I can't practice law, I have to do something else. I've taken other college classes in microeconomics, information systems, computers.

If I have to serve all this time [until October 1999], obviously I'm finished in politics, and I'll be finished in law. But I've been around enough businesses, I'll be doing something. There is an insatiable demand for people who understand the mechanics of government, and if a fellow has a conviction you can't raise him up in a public light. You can hire him as a consultant, an adviser, something like that. There's plenty of business.

CJ: *What do you do in your job as a law clerk?*

J: I'm one of three law clerks, and the other two are both lawyers, one suspended like me, one disbarred. You are required to work 37-and-a-half hours per week. Two-thirds of the inmates work on the Nellis air base, one-third in the camp. You can volunteer to work more. The three of us cover the law library... [inmates are paid 12 to 40 cents an hour — Jackson makes 12 cents].

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library extends from 7:30 a.m. to 3:30 p.m., with a lunch break at 11 a.m. The "national prison count," when numbers of inmates in all federal prisons in the U.S. are phoned in to Washington, D.C. — "to make sure we're all still here," says Jackson — is at 4 p.m., then dinner at 4:30 p.m. or 5 p.m., and volunteer work, tutoring or in the law library, from 5:30 p.m. to 9:30 p.m. Designed for some 380 inmates, the prison is overcrowded at 500, and there are four to eight men per room, six in Jackson's, which used to have space for a desk. The "dorms," which are converted barracks, have TV rooms, but Jackson says he watches little television, except during football season.

Visiting days are every other weekend — half the inmates on each weekend — Friday evening, Saturday and Sunday. It's about a four- to five-hour drive from Los Angeles, then a half-hour drive from Las Vegas to the prison. His sister, Carol Pfeifer, a professional fund-raiser who lives in Sausalito and is taking care of Jackson's Mill Valley house as well as publishing a newsletter, *The Clay Jackson Legal Report*, visits regularly, as does his longtime friend Luree Stetson, a legislative liaison from Sacramento who has dated Jackson "off and on" since 1978. His elderly parents, both in their 80s, have managed the trip to Nellis twice from their home in Garden Grove, where Jackson was raised. His brother, Russell Jackson, a Southern California contractor, visits every few months, and he has other visitors — old friends and business associates, but few lobbyists and no politicians.

"It takes some adjusting," Jackson says of prison life. "But there are a lot of really good people in these institutions. There is a lot of interchange that you don't have outside because you're so busy. Here, you don't have as much to do. You're crammed together, and you talk about things, you see other people's experiences on a more intimate level."

He is painfully courteous, almost obsequious, to prison staff, carefully depositing two empty Diet Pepsi cans from the interview for recycling, thanking the guard who saves him lunch. "You treat them decently," says Jackson, ever observant of human interaction, of his relationship with prison staff, "and they'll generally treat you decently."

Reporters don't visit much anymore — none except someone for an insurance industry trade publication since the transfer to Nellis, none since the appellate court issued its blistering denial on July 25th, saying Jackson's conduct was "so antithetical to and destructive of our political traditions

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They [inmates] have questions about their cases. Some have become lay lawyers, and they want to know the research techniques, so you become sort of an ambulatory legal research teacher. A lot of times, you'll interpret cases for them or explain legal doctrines so they will understand what they're reading. They'll write something, maybe a *habeus corpus* motion, and you kind of correct it and fix it. In a way, it's like practicing law.

CJ: *The Ninth Circuit opinion used some very strong language in denying your appeal, saying that the tapes were "replete with unseemly discussions of a $250,000 payment in exchange for a political favor ... [and] even include a remarkably frank recognition by Jackson of past crimes, of Jackson's and Robbins' shared understanding based on that illicit past, and their ongoing need to avoid federal investigation."*

The court also held that your behavior, as reflected on the tapes, was "so antithetical to and destructive of our political traditions that there can be no serious argument that Jackson is an innocent man." I realize you don't want to say anything that might jeopardize future appeals, but can you tell me how you reacted to the opinion?

J: I was bitter about it, and I think it was flawed. There are two basic flaws, one factual and one legal, and some uninformed political opinion — that is to say, conclusions drawn by people who have no idea how the political system works, based on a rule of law that was invented in this case, that hasn't existed any place before, and based on a total, unbelievable misreading of the trial record.

In the trial, first, the government played their tape recording, which covered most of the trial. But the tape covered only one charged element. The tape relates only to one leg of the necessary two-leg RICO charge, and nothing else. ...If you listen to five months' worth of it, which I don't recommend, it has about 90-95 percent ordinary political conversation on it, the kind of conversation that you'd find at the end of the session between an experienced lobbyist and an experienced politician.

Now, the other 5 or 10 percent, that's where the dispute comes from. That's where I say that Robbins was a government-authorized extortionist. He says, oh, no, I was simply a briber as I've always been in the past.

CJ: *Essentially, you're saying that what transpired in those conversations is nothing that does not regularly transpire ...*

J: All the time, every day. It always has, and it always will.

We couldn't understand why they [prosecutors] were playing the tapes on days when there was nothing but lobbying going on, because some of those tapes were some that we intended to play as examples of what you do in this business.

CJ: *You have been openly critical of the prosecution in your case and refused a plea-bargain which might have given you less time. Why?*

J: Through Heller, I was offered basically what Alan Robbins was offered [a reduced sentence if he agreed to cooperate with the prosecution], and I refused. Basically, they wanted to buy my testimony and if I would, say, implicate members, the Speaker [Assembly Speaker Willie Brown Jr.], I would get [a reduced sentence].

CJ: *What was your relationship with the speaker at the time of your indictment? Hadn't that relationship cooled a bit as a result of your participation in the so-called Gang of Five challenge to his speakership, and your efforts, with other lobbyists, to field a viable challenger to Brown lieutenant Phil Isenberg? Brown was quoted as saying he would neither "forgive nor forget" those actions.*

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that there can be no serious argument that Jackson is an innocent man."

"Once the door closes," Jackson says with an edge of bitterness, but no particular rancor, "the real world forgets about you."

With few exceptions, he does not believe his federal trial on racketeering, bribery and money laundering charges was adequately, or sometimes even fairly, covered by the media. "It was a media circus," he says. Some would call this the lament of a convicted briber, but this is what he believes. He says he isn't bitter.

Not one to take on reporters — or even talk to them — Jackson has always been skittish about the press, generally preferring to cut his deals behind the scenes, absent media review. "After awhile, you become well known, and you can't speak out so much publicly," he says carefully. "If I was back there and we had this interview four years ago, what I would do because of your power, which is the power of information and print, I'd come in and all of a sudden you become a player in a game maybe you don't understand. Maybe it's not such a good idea to force companies to write earthquake [insurance] if they write homeowners insurance. Maybe it's a disaster, which in fact it is, because it is fundamentally an

Jackson with his attorney before his conviction, 1995

Photo by Rich Pedroncelli

J: At that time, my relationship with Willie was more strained than it was in the past. Any able people who work in an environment that small get to know each other quite well, and you get along with each other, at least formally, and at various times your relationship is stronger or weaker depending on what you're doing. This is not a business of friends and all these other things that the prosecutors tried to paint it as. It is a professional endeavor of interests. You have alliances, and the alliances come together, and they fall apart. A guy who now might be a friend three years later may be an enemy. These things come and go as a function of politics as well as issues...

I had a conversation with Willie a couple of years before this happened — a series of conversations culminated by one, about what was going on in his house. It was a house that had been fairly balanced, and was tipping to the left, and I told him that he can't expect the kind of people I represent to continue to fund these people who, no matter what the issue is, are on the attack all the time. If they're going to continue to contribute, they're going to contribute to those who are reasonable, including you. Our last conversation was that it had gotten so bad for business that we were going to re-focus on the Senate, where business originally was decades ago.

One of the silly things about the theory of the prosecution is that they elevated evidence of behavior into some sort of concept of how things should be. In his closing arguments, the prosecutor said you can't talk about politics and contributions in the same conversation. Well, most people don't. Aside from that, what difference does it make? Is it any better or worse if you talk about a bill in the morning and a contribution at a cocktail party that night? What does it mean? It doesn't mean anything. Either you're involved in an illicit relationship, or you're not.

CJ: *Do you think Willie Brown was the main target of the sting, as some say?*

J: One, I have no way of knowing, and I don't think anybody does. Two, I think that their level of understanding of politics was and remains absolutely abysmal. Maybe they were trying to get Willie, I have no idea. But they had no idea how to go about doing it — and what it was he was supposed to be doing. I don't know what Willie does, but I do know how he operates, and Willie is a master politician, the speaker of the house, the members' speaker. We haven't had many of those in California — Jesse Unruh was one. You take care of the members and when you do that you aren't an issue-oriented person, except to the extent that you have time for it.

If you want to attack it, you can attack it, but that is our system, until you change it by law, you could send another sting operator in and if people were as stupid as I was, you could go and play around with these guys, and you could put another 20 guys in jail.

CJ: *You said you were stupid.*

J: Of course I was stupid. This guy [Robbins] didn't do this on his own — he did it for a price. They paid him $30 million, for heaven's sake [a reference to reports that Robbins, now released from prison, emerged with his $30-million-plus real-estate fortune and his real-estate license intact].

CJ: *Do you have any self-recrimination?*

J: Well, I'm past it, and I never had much of it in the first place. As far as bitterness goes, you have to grasp the bitterness and put it aside and get on with your life.

CJ: *Are you repentant? Contrite?*

J: No, I'm not contrite. I think these people [the FBI and federal prosecutors] launched an attack on the political system, and that's why nothing has changed. All

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uninsurable risk. You can't insure earthquakes any more than you can insure hurricanes.

"That's hard to understand, and if you get a lot of press at the same time, you might just knock yourself right off of a little ledge you're walking, which is why you can't afford to talk. Or you might say something intentionally to send a reporter off on the wrong track and get him out of your way.

"Reporters as humans are one thing, but the press is a major political force in public life today, and it is for good and for evil ... If you [a reporter] say you won't talk to someone because they're biased — and a certain well-known columnist in Sacramento is like that — how can you possibly know anything in a society where the rules are stacked up so high that you couldn't possibly understand them unless you became an expert?"

Actually, Jackson has over the years talked to a few reporters — though certainly less often now that he's in a federal prison in the middle of nowhere and his telephone calls from prison must be collect and generally limited to 20 minutes.

Even on the outside, he was always extremely cautious about what he said, and to whom, usually only longtime political and legal reporters with proven track records and some control over how their editors handled their stories. He says some reporters covering the sting trials privately expressed frustration that their stories highlighting defense claims would be given short shrift by editors intent on headlining Capitol corruption. But, protecting his sources like any good reporter, or lobbyist, he won't say who they are.

In the same vein, people who used to talk about Jackson during his heyday — including former or then-current associates — often refused to comment unless promised anonymity. One likened Jackson to the late Artie Samish, the legendary corrupt lobbyist convicted in November 1953 of income-tax evasion, saying Jackson's arrogance, and his enemies, would eventually catch up with him, he would "take a fall," and a big one. "I would never work for him again," said one admittedly bitter former employee in a 1987 interview. "He's terrible to work for. He's obsessed with being number one."

Others said that, while clearly obsessed and driven, Jackson was a hard-working, diligent, knowledgeable advocate for his clients. "The whole of the Capitol is about winning and losing," said Larry Kurmel, a former Jackson associate who is now executive director of the California Bankers

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these new people [legislators] are doing the same thing. This is the system that we have, and if you're going to change it, you have to do it with law.

CJ: *Everyone agrees that we need to change the system of campaign finance, but nobody seems to agree on how, or have the will to do it. What do you suggest?*

J: Jesse Unruh said it's not the supply, it's the demand. Without the demand, there is no supply. Do you think people go around giving money to politicians because they want to? He came up with a whole series of ideas that was essentially designed to damp down the need for political funds. For example, don't raise funds when the Legislature is in session. Take the British system: You do the electioneering, but for six weeks before the election, although I'm not sure that's long enough for a state as large as California. Then the rest of the time you do what used to be known as politics, but with all [this] fund raising, you just can't do it. Require truth in operations of people who operate around politics — PR people, spin doctors, all these consultants nobody seems to know what they're doing. While there are a lot of fine people in that business, taking commissions every time you do something just drives up the cost. There are a lot of things you can do to reduce and regularize the demand which I don't think would violate the First Amendment, which isn't some absolute permission to do anything you feel like.

CJ: *What about public financing of campaigns?*

J: I became an opponent of public finance for a simple reason: a lot of reform ideas fall victim to the "doctrine of unintended consequences" because the reformers forget one thing when they propose a change — the human element, and that's the only thing that counts. If you're going to have public finance, who's gonna hand out the dough? What would it be like if you had some commission of nobodies appointed by the powers-that-then-be, and you have all this money? You'd have people on the outside pulling the strings who you could never identify. People like Jesse Unruh if he were alive and retired. He knows the system inside and out, pulling all these strings, doing things for the benefit of the then-power-that-might-be because he has the time and the knowledge to control all this little stuff.

Everybody wants to watch how much money you're giving, say, to the speaker of the Assembly. But who cares about the man from Chula Vista? Only the guy who wants to build power. That's the very flaw in public financing. It doesn't work. It hides what goes on.

CJ: *So what will work?*

J: The only thing that I think does work in government is the so-called sunshine principle. You're not doing all this prohibiting — you get this, you get that — but you're working around the system, with the light shining on it all the time. If it doesn't work, you pluck it out and attack it.

CJ: *Wasn't that in part what the sting was designed to do?*

J: Well, that may be what they thought they were doing.

CJ: *Did it accomplish anything substantive, in your view, change anything?*

J: Not a single thing. I do think it interjected a great dose of fear in California state government that will not abate for a long time.

CJ: *But isn't that a healthy fear in some respects?*

J: To the extent that there are any real crooks in California government, yes. But there are far more honest people, and they are also frightened to death. I think the net result is that it's been very unhealthy.

CJ: *Has that fear created a certain paralysis in government?*

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Association. "He expects a great deal, and while we had our differences, I found him fascinating. For someone who operates in such a complex field, he is very straightforward, but you have to earn his trust. He's a tough son of a bitch, but I think the world of him."

Today, nearly two years after his conviction, fewer have kind words for Jackson, although he retains a list of strong supporters he says have contributed more than $500,000 to a defense fund established by other lobbyists and friends after his indictment. He says the money, and the support letters, keep coming in, but he doesn't like naming names. Terrified of "guilt-by-association" or believing strongly that, as one veteran lobbyist said privately, "Clay crossed the line" in offering, though never actually providing, a $250,000 "contribution" in return for favorable legislative treatment, most lobbyists steer clear of Jackson and say the sting convictions have struck fear into the hearts of all lobbyists. "We're all walking on eggshells," one lobbyist recently told a reporter. "If I'm in a legislator's office and someone even mentions money, I'm out of there."

But still, business goes on much as it always has, with huge sums expended annually in California by a wide variety of special interests to influence, alter, defeat or pass laws and regulations — and to elect or defeat politicians sympathetic to various "causes."

"When you have this tremendous amount of money flying around, there is a tremendous amount of abuse," said Sacramento lawyer Ben Davidian, former chairman of the FPPC in a recent interview. "Clearly, we need to make some changes. Our system needs work, and an occasional FBI sting isn't going to fix it."

Ironically, Jackson says he had planned to leave lobbying and was in the process of selling off shares of stock in his lobbying firm in 1989 and 1990. Also ordered by the federal district court to pay a $50,000 fine, he says he is reasonably secure financially, "but I'll be bankrupt if this goes on much longer." He says he refused a plea-bargain offer that would have given him less time if he agreed to cooperate in the investigation — essentially the same offer accepted by former Democratic Senator Alan Robbins, who surreptitiously taped the conversations with Jackson that led to his conviction, and assured Robbins' release from prison after two years. It was an offer that Jackson's Sacramento defense attorney, former federal prosecutor Donald Heller, said has been repeated several times by federal authorities, even as recently as last

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J: Yes. Perfectly legitimate, serious conversations that used to occur in offices in the Capitol now only occur out of doors in the open air, which I think not only is silly but very dangerous in the kind of democracy that we have.

CJ: *You have said several times that the FBI and federal prosecutors in the sting investigations were operating under "a lot of misconceptions" about the political process in California. Explain.*

J: I think they believed that the California Legislature operated as if it were a legislature in some corrupt eastern or southern state before World War II, that everything was bought and sold. You can have a legitimate conversation in politics today relative to morality — and the system does not come out well. But the test is morality, it's not law and criminal penalty. Sending an admitted felon into a legislative body wearing a wire and spending time no longer being a senator but trying to be an adjunct to a law-enforcement agency, what could it possibly accomplish? If you're going to try to pluck out the king of evil — suppose Al Capone was president of the Senate — then, yes. But that isn't what this was all about. If you look at all the people they chased down, or tried to chase down, it wasn't that sort of person at all.

CJ: *So this was just business as usual in the California state Capitol?*

J: Since the people have basically withdrawn from participation in politics, a whole set of intermediary institutions has developed, the so-called special interests, which range all the way from the Girl Scouts lobby to General Motors and everybody in between. AARP, you name it; everybody's got a lobbyist. Do they all use money? No. But money is used increasingly. Even the Sierra Club now makes contributions. Are there things as important or more important than money at any given time? Yes. Phone banks, precinct walkers, they're still important, and all are used. This is how we do democracy in the United States. We use intermediary institutions, because our people are too busy, too disinterested, and they have too many options because we're a fairly wealthy country, which we weren't before all this happened.

It costs a lot of money to get elected, because we've had this unrestricted period of campaigning and impression-creating. If you look at a lot of the political campaigns today, and I'm not going to use any names, but on the Republican side it's already started — people posturing. To one group they say, "I believe this." Then they go to the next group and say, "I believe that." Well, are they hypocrites? No more than politicians have ever been. All they're trying to do is trying to find what takes, what are the people really interested in. Or how they can twist it around and manipulate it.

The same thing goes on on the special-interest side. What are we [lobbyists and their clients] trying to sell these people? What is it that we need? What is it we're deathly afraid of? It is the same thing, except that it's generally related to issues that are found in bills, but sometimes not.

CJ: *On the tapes, you made some disparaging remarks about Governor Pete Wilson, among other people. Any regrets?*

J: Politics is a rough business, and you say a lot of things. I talked to Bob White [Wilson's chief of staff] about it and apologized in advance. On any given issue, I can say that the governor, or whoever, is an idiot on this issue at this time. Next week, he may not be such an idiot, and three months from now he may be just fine, an okay guy. It's about the business of what humans do at the moment. To have it recorded and played, it's not nice...

Here we have a man [Wilson] who came out of the

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spring or early summer.

"They approached me on multiple occasions to ask if he would roll over, twice before the indictment and several times since conviction," said Heller. "It was my distinct impression that the individual they wanted Clay to cop on was [former Assembly Speaker] Willie Brown." Long believed to be a major target of the sting, Brown was never charged. Jackson refused all offers of leniency.

Jackson remains a somewhat recalcitrant interview — cautious with his words, choosing them carefully, occasionally asking to go off the record, then not really giving up much of anything, a name here, perhaps a tip of some consequence. Interviewing him, even after exhaustive research and preparation, you realize this is not a man who makes many missteps. For years, walking a thin ridge in the shark-infested waters of high-stakes lobbying, guiding literally millions in campaign contributions from influential clients to equally influential politicians, while attempting to steer clear of political corruption laws, Jackson was ensnared in an unprecedented federal sting investigation by an admittedly corrupt politician, Robbins, whose less-than-sterling reputation in political circles was well known to those inside the Capitol, who worked as an informant to save his own skin, wearing a wire for 30 hours of conversation rife with talk about legislation, bribes and illegal campaign contributions — tapes that would be played in a federal courtroom during Jackson's trial for the jury and all the world to hear.

federal political system — he'd been out of the state system and had been in the local and federal systems for 17 years. He came to Sacramento in an extremely difficult time. A lot of things that transpired, even if you were to tell him frankly what happened, he had a hard time grasping it. When he would make decisions in the context of the problem we were dealing with at the time, well, they were stupid. Not that he was a stupid man. He was making, in my judgment, mistakes, because he did not have the background — he couldn't, he'd just come into office.

CJ: *Have you been following the recent speakership battles in the Assembly? Comment?*

J: Well, the legislative environment degraded long ago, and it's been in a state of collapse for about five years. What else can I say? You can't divorce the Legislature from politics, but structurally, its role is to govern. It doesn't. A large part of the blame lies with the politics, but a large part lies with the people.

CJ: *Do you think lobbyists will play an even greater role in the process because of term limits, staff cutbacks, the lack of an institutional memory?*

J: Yes, on the surface. Since people would rather demonize than study the lobbying corps, what they don't realize is that the same thing is happening in the lobbying corps that is happening among the membership. You have a lot of new people [in lobbying] who've come in in the last one to 10 years. One of the devastating things about term limits is that it does destroy the tribal knowledge that is necessary for any institution to function.

Because of the great turnover in the lobbying corps, you have somewhat the same problem. It hasn't been as rapid, and it hasn't been as bad, and part of it is due to the normal generational change. You've also got people coming into this business out of a desire simply to be in this business. Well, this isn't really a business — it's a lot like the practice of law. But whatever they say, it is *not* a business. You either have to understand the nature of governing or you have to understand the nature of your client's business and how it fits in society, or both. If you understand neither, you're going to have a helluva time developing a valuable institutional memory to transmit.

CJ: *What have you learned from this experience?*

J: When I first came here, I thought, there must be something I have to learn. And the answer is that I'm still waiting to learn it. The only thing I can find that I've learned is that I should have left politics far earlier than I did...If somebody comes along in a very danger-ridden situation and does what Alan Robbins does — and I've thought many times about this what would you do differently? If I'd known Robbins was an agent for the FBI and this was a big setup, of course I would have done things differently. But let's say this was just a Robbins shakedown. Would I do anything differently? I can't figure out what that would be.

CJ: *In addition to the Capitol, which some say consumed all your waking hours, you had your sailing, backpacking, the opera, fine dining, fine wines. It sounds trite, and obvious, but you must miss all that. What do you miss most about life on the outside?*

J: Oh, I do miss it. But the thing I miss the most, I've discovered, is the ocean. Sailboat racing, sailing. That can really get you. The other thing, and this really shocked me because I didn't do it all that frequently, is to go out into the back country. Sittin' here, lookin' over there, I want a horse! I want to go up there!

CJ: *Oh, they don't offer horseback riding here?*

J: No, the amenities are limited.

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The Central Valley "sting"

"Operation Rezone" exposes corruption in Fresno and Clovis

By Brenda L. Moore

Brian Setencich struck out when he tried three times to get his Fresno City Council colleagues to adopt a package of political reforms. Even when he split it up, putting what he considered the most palatable piece on the table first, he was rejected.

His successor on the council took up the cause this year — and was victorious his first time out.

The difference? Operation Rezone. That's the code name for an FBI investigation sweeping through Fresno and its suburb of Clovis, uncovering allegations of politicians trading land-use votes for money. Seven men were charged over the summer — including a Clovis councilman who has since resigned — and the U.S. Attorney's Office in Sacramento says 15 to 20 people are under serious investigation. Charges range from extortion to conspiracy to tax evasion and involve money being exchanged for increased housing densities, sewer service and rezoning.

An indication of the investigation's seriousness is its mastermind — FBI agent Jim Wedick, the man behind the so-called "Shrimp Scam" case that rocked the state Capitol in the 1980s and early '90s. It brought down 14 people, including five state legislators and one of the capital's most successful lobbyists (see page 6).

Behind the scenes, Operation Rezone reportedly has sent people scurrying to cooperate in exchange for reduced charges or immunity. Publicly, politicians are distancing themselves — and calling for change.

That's not surprising, said Harry Snyder, co-director of Consumers Union, a watchdog group. "Reform without scandal is very slow and almost impossible to achieve," he said. "Politicians are really not political reformers. Scandal will tend to make them get off the mark and do something. But they generally don't get it ... the standards the public expects in terms of cleanliness."

Setencich has gone on to bigger things, becoming speaker of the state Assembly. But he's happy that at least some of his reform ideas are taking hold in his hometown. A shake-up on the council is partly responsible, but he considers the atmosphere as the biggest motivator.

Mike Briggs, his council successor, agreed. "The FBI investigation created the environment where we were able to pass it," Briggs said. "I think people were afraid not to vote for it, [afraid of] the perception it would give in this climate."

Briggs' measure requires lobbyists to register with the city and reveal their clients. Separately, Fresno Mayor Jim Patterson has vowed not to take contributions from special interests for his re-election campaign next year. Development interests were the biggest source of funds in Patterson's initial run.

In Clovis, the City Council is drafting a lobbying ordinance similar to Fresno's. The council also has overturned two planning decisions that were called into question by Operation Rezone.

The investigation started in Clovis in early 1994, after developer William Tatham Jr. told authorities that Councilman Leif Sorensen was demanding a $10,000 campaign contribution in exchange for approval of a housing project. Working with the FBI, Tatham secretly tape-recorded conversations with Sorensen and others, leading to the initial charges. Sorensen is also accused of taking a $10,000 payment to support an unrelated development.

Sorensen and four others pleaded innocent in August to various charges. Sorensen quit the council September 1st to spend time on his defense and his insurance business. Two people have pleaded guilty — Jeffrey Roberts, the area's most successful development lobbyist, and Patrick R. Fortune, a prominent builder. Investigators are also looking at other allegations, reportedly including some involving two present and two past Fresno city councilmembers.

"The corruption that we have uncovered so far is egregious and runs very deep..." said Charles Stevens, U.S. attorney for the Eastern District of California. "The fraud itself is particularly egregious in that it involves straightforward payments for political actions and classic conflicts of interest among public officials."

Stevens said that in Clovis, "the severity and the scope of the fraud is about as bad as we have seen or imagined anywhere." He said it was too early to characterize practices in Fresno, but added, "Certainly some of the allegations we're investigating are in the same ballpark of severity..."

And Stevens indicated his office and the FBI will be looking for corruption elsewhere. "We spent several years focusing on the state Capitol, and now we're seeking to branch out and ferret out corruption at other levels of government throughout our district," he said. "You follow the evidence, and at this stage our most compelling evidence leads us out of the Capitol to certain local governmental bodies. Also, it's difficult to continue to make cases in the same place because clearly people become more circumspect about their wrongful conduct when they believe authorities are on the watch."

Meanwhile, Stevens isn't optimistic that all of the various sting activities have cleaned up government. "We don't delude ourselves into believing that we've eliminated corruption in the Capitol," he said. "We think people are more careful about what they say so that they're not accused of wrongdoing. But we don't believe for a second that we've eliminated corruption."

Brenda L. Moore is a free-lance writer from Fresno. Until this past February, when she left to take a maternity leave, Moore was deputy metro editor of the San Francisco Examiner. *She previously served as city editor of* The Fresno Bee.

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Last in, First

Pete Wilson entered the 199
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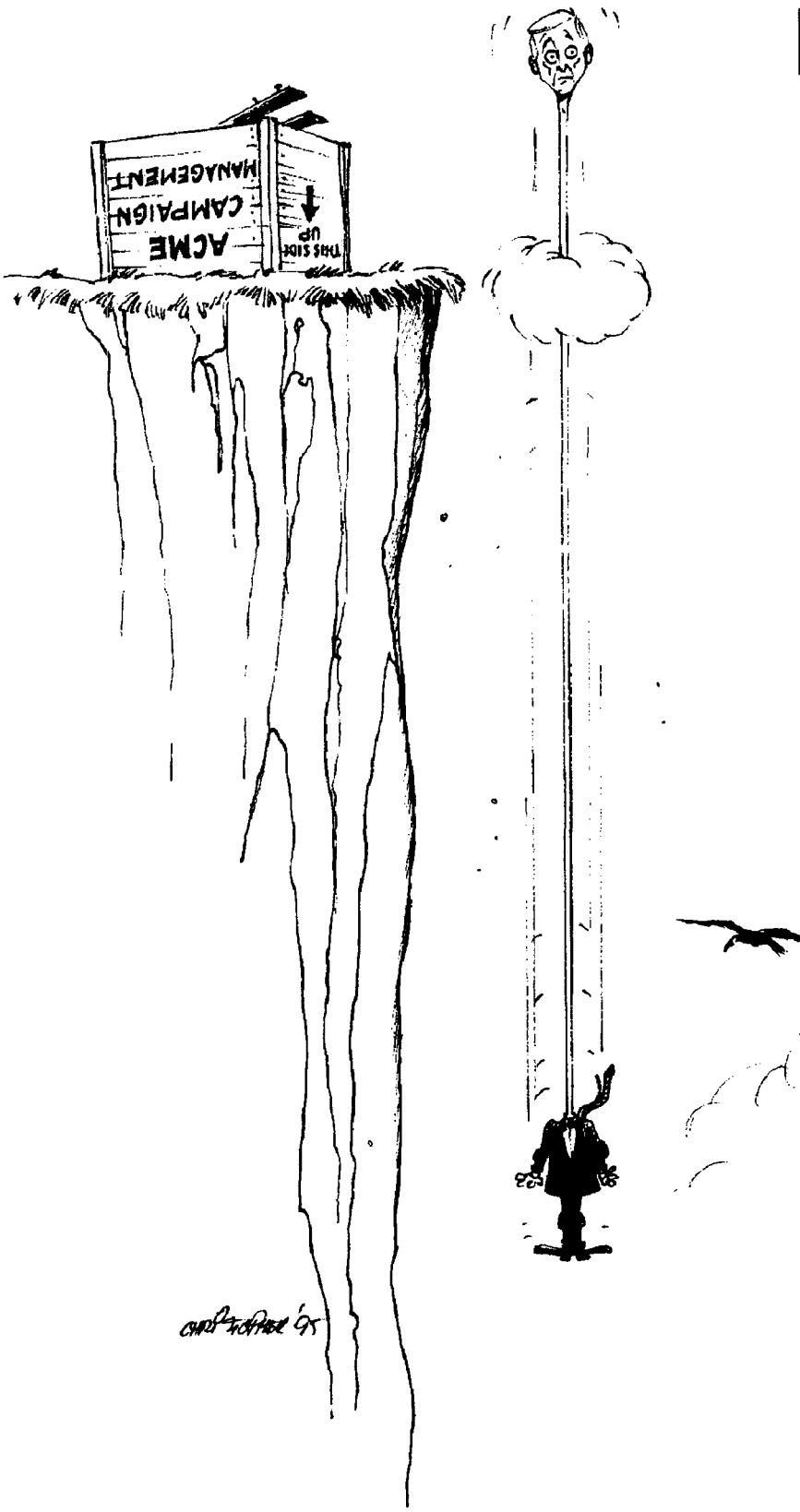

While the nation will doubtless recall 1995 as the year of the O.J. trial, there's a case to be made for Californians remembering 1995 as "The Year of the Crash and Burn." Consider, for example, the California Angels. After bursting to an 11-game lead in the American League's Western Division in mid-August, the Angels suffered through the slow-motion calamity of watching that lead disappear. They eventually lost the flag to the Seattle Mariners.

While the Angels were teaching baseball how to choke, Governor Pete Wilson was giving a national political clinic on the same subject with his presidential campaign. From the time he informally announced last spring (see *CJ*, May 1995), Wilson's White House campaign bus was beset with a seemingly unending series of disasters. Finally, late last month, the governor mercifully put an end to his effort. "As much as your hearts and mine tell me to fight on," Wilson told supporters in Sacramento, "that would be unfair to all of us."

It's tempting to compare Wilson's demise with that of the Angels — both started with high hopes only to become victims of bad luck and their own inability to execute. There is, however, one important difference.

The Angels, at least, had a chance.

Never in Wilson's political career has so much time, effort and money been exerted with so little effect. For the better part of a year, Wilson was riding

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By Steve Scott

a White House campaign bus that was up on blocks. A seemingly routine throat operation turned into a months-long water torture, as Wilson was unable to speak publicly or raise money privately. The chronically weak fund raising eventually forced Wilson's top staffers to go off salary, and prompted the governor to abandon his campaign in the first caucus state — Iowa. While he flirted briefly with double-digit poll ratings during the summer, by September a *Time*/CNN survey put him at 5 percent nationally. His poll numbers in New Hampshire, the first primary state, were equally dismal. Perhaps most strikingly, Wilson's vaunted campaign team was rocked by an internal power struggle that ended with the resignation of campaign manager George Gorton — a fixture in the Wilson camp for a quarter of a century.

For those who have watched Wilson bulldoze his way through California politics, the question most often asked in the wake of Wilson's failure is, "What happened?" Why did one of the most disciplined politicians in the state suddenly start taking his plays from Kathleen Brown's campaign playbook? The answer, by and large, lay in the "three M's" — money, management and the man himself.

Financially, Wilson found himself trapped in the ultimate paradox of any national campaign: To raise enough money, a candidate must prove he or she has a chance to win. Unfortunately, the clearest measure of that "viability" is the amount of money a candidate has raised.

For many, the roots of Wilson's "viability" problem stretched back to the beginning of his campaign and what been described as "the original sin": breaking his pledge not to run. Not only had Wilson publicly promised not to run during the 1994 re-election campaign, he made the same vow privately to prospective donors. Breaking that vow alienated

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not only the conservative Republicans who already disliked him, but also several of his long-time backers, who felt betrayed and used. "After he promised the people of this state he wasn't going to run, people outside the state took him at his word," noted University of California, Irvine, political science professor Mark Petracca.

"It says to people that this guy is so cynical, he thinks people won't care a whiff if he turns 180 degrees on his pledge," said University of Virginia political scientist Larry Sabato. "Even a cynical public found that too cynical by half."

His universe of potential donors was further diminished by the lateness with which he started to actively campaign, as many potential donors had already been lined up by other candidates. "We entered late," admitted Wilson. "We found that too many donors had signed on with other candidates and were commendably loyal to them."

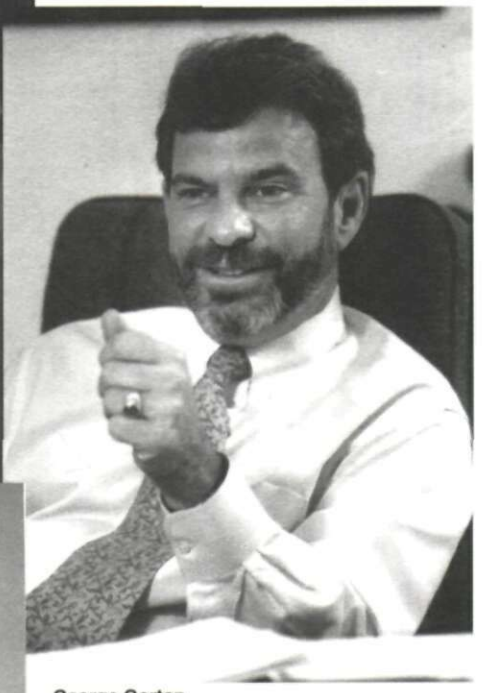
Another lead weight around the governor's campaign was his flagging reputation in California. Wilson consistently trailed Kansas Senator Bob Dole among Republicans, and President Bill Clinton among all voters, and his approval ratings ran about 20 points behind Clinton's. Then there was the revelation in the spring that Wilson had, at one time, employed an illegal housekeeper and failed to pay Social Security taxes for her. While most candidates might have sloughed off such a revelation, for Wilson it was a sore point, given his vocal advocacy of cracking down on illegal immigration.

With all his external problems, however, the real enemies to the governor's fund raising were his vocal cords. In April, Wilson, whose voice has long been plagued by squeaks and cracks, had "minor" surgery to have a node removed from his throat. All he had to do was stop talking for a few weeks, said doctors, and everything would be good as new. Wilson didn't listen, and shortly found himself presented with an ultimatum — stop talking for two months, or forget talking altogether. While Wilson obeyed the second dictum, his refusal to obey the first cost him two months on the phone raising money.

"We thought he was going to be out for three weeks," said Bob Naylor, former state GOP chief and one of Wilson's California fund raisers. "Instead, he was out for close to three months. Commitments were being made [to other candidates] and the momentum was lost."

Wilson's fund-raising trouble was somewhat surprising, given his previous success in both the unrestricted gubernatorial campaigns and contribution-limited races for U.S. Senate. Even more surprising, however, were the miscalculations and tensions that plagued the governor's campaign-management team. Unlike other national campaigns that center on direct regional appeals, the central calculation of Wilson's campaign was always "California times 50." As they successfully had in California, Wilson forces thought they could win by identifying an issue — in this case, affirmative action — and then beating it to death with TV ads. While Wilson's opposition to affirmative action did resonate, many experience in

Photos: Rich Pedroncelli



George Gorton

Craig Fuller

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national campaigns say such a strategy was doomed from the beginning.

"Running for national office is very different from running statewide in California," said Democratic consultant Darry Sragow, a veteran of both types of campaign. "It is hubris to think that because you can win a gubernatorial race on illegal immigration and the death penalty, you can win the presidency like that."

If, as Sragow and others suggest, the strategy was flawed, those flaws were magnified by a polarizing power struggle within the campaign. Recognizing the lack of national experience among his veteran team of California hands, Wilson hired Craig Fuller, a long-time national GOP hand who was chief-of-staff to then-Vice President George Bush and helped run Bush's winning 1988 campaign. The importation of Fuller incensed the mercurial Gorton, who disappeared for a week before returning to the race. The two men were never able to work together, and some close to the campaign said it was like stepping into "two armed camps."

The fissures became public when it was learned in September that Wilson's campaign was roughly $1 million in debt. "[Fuller and Gorton] weren't speaking to each other, and each thought the other was watching the money," said one source on condition of anonymity. Ultimately, Wilson chose to elevate Fuller over Gorton, prompting Gorton's bitter resignation from the campaign, but by then, it was too late. Less than two weeks after Gorton and chief fund raiser Anne LeGassick were purged, the campaign itself ended.

While money and management may go a portion of the way toward explaining Wilson's failure, there is another crucial element — the man himself. In 1994 Wilson's campaign forces clucked over Democrat Kathleen Brown's futile efforts to move to the right to appeal to a broader constituency in the race for governor. Among other things, Wilson aides pointed out, Brown had abandoned her base of support among Democrats. Well, fast forward a year and you find Wilson making exactly the same mistake, abandoning his presumed base in California and among moderate voters and competing for support from the GOP's conservative wing.

"It's 'Politics 101,'" said Orange County Republican strategist Eileen Padberg. "Solidify your base, go after the undecideds, and forget about the people who are never going to vote for you. Have they solidified their base? I don't think so."

Wilson's critics say the reason Wilson had problems solidifying his base was that he doesn't have one to solidify. For them, Wilson's presidential campaign merely highlighted the growing perception of Wilson as a man in search of a vision. His broken promise was the first in a series of shifts in philosophy and emphasis that cast Wilson as an opportunistic automaton, whose positions were determined by focus groups, rather than any ideological core. "Who is this guy?" wonders veteran Democratic consultant Bill Carrick. "Is he the moderate guy who ran in 1990, or is he this mean-spirited guy we got [in 1994 and 1995]."

Wilson and his backers bristle at the suggestion that the governor lacks vision. His position changes, they say, are simply the hallmarks of a pragmatic individual who is responding to chang-

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ing times. "Most voters realize that, when the world changes, sometimes different measures are called for," said longtime Wilson press aide Dan Schnur. Still, even some of those predisposed to support Wilson were disenchanted with the ease with which Wilson repositioned himself on such issues as affirmative action and abortion funding.

"Pete has an awful lot to offer," said Padberg. "But he needs to come down and be a person of purpose. Nobody feels like he's really rooted to anything. You like Pete Wilson, but you don't march over the mountain for him."

How well he can get people to "march over the mountain for him" will ultimately determine where Wilson goes from here. Most anyone listening to his withdrawal speech heard someone still very much bitten by the presidential bug. "There is one hell of a lot of fight left in this old Marine," said Wilson to his supporters. But in ending his fling with national politics, Wilson must now face some unpleasant music from the jilted spouse — California. His standing to try again in 2000 could hinge on how well he rehabilitates himself with his ambivalent constituents.

"If he's not trying to do things to get national visibility, the potential is there to exert leadership," said political scientist Larry Berg, retired former director of the Unruh Institute on Government at the University of Southern California. "He really needs to do it."

In addition to restoring faith in his policy direction, Wilson must also soothe the lingering anger among California Republicans over his broken pledge. Wilson can be expected to spend considerable time and energy helping to get Republicans elected to the Legislature next year. "Governors have an influence in legislative races where presidents don't," noted Tony Quinn, a Republican consultant and former legislative staffer. "If Wilson can rehabilitate himself, he can help get Republican votes for legislative candidates." Wilson can also be expected to actively support initiatives, such as the anti-affirmative action California Civil Rights Initiative and his own effort to institute a 15 percent income-tax cut.

If 1995 proved one thing, however, it is that Wilson's policy success depends on his personal commitment to it. Privately, many Republicans secretly fear the possibility that Wilson might be angling for a vice-presidential nod. Campaign Chairman Craig Fuller insists one doesn't "run" for vice president, but didn't rule it out. "My own personal advice to our nominee is to look seriously at Pete Wilson, but that's an issue he has not discussed with us," said Fuller. "I think that's wide open." Supporters and detractors of Wilson's caution against such a move, however. "I think that's out for all the reasons he was out for president," said Quinn. "All the problems with unhappy Republicans, which have been put to rest, would come right back."

Even if Wilson is not positioning for a spot on the ticket, anyone hoping for a return to the pragmatic Wilson of the 1990 campaign is in for a bit of a wait. But if Wilson is to ever be a credible national contender, he must at least do a better job of projecting himself as a leader with a vision, rather than a politician with a runaway ego. The best way for the governor to make that case is to direct attention toward one goal between now and the end of his term.

Results.

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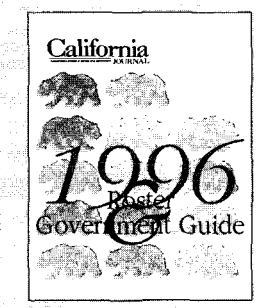

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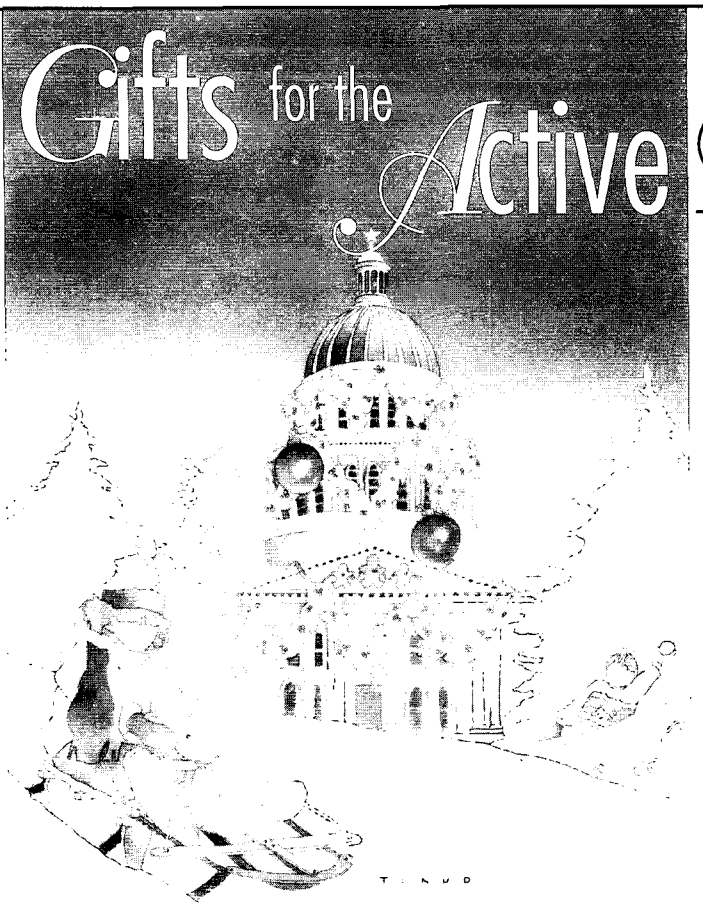

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A question

Government has traditionally provided the building blocks upon which people built the California dream. But government is increasingly in disrepute, and the problem is one of attitude not structure.

By Sherry Bebitch Jeffe

Early on a September Sunday morning, a lost motorist took a wrong turn down one of Los Angeles' meaner streets. Out of the shadows came an angry crowd of gang members. They blocked the car's escape and then opened fire on its passengers — killing a three-year-old girl and wounding her two-year-old brother.

What has that incident to do with the governance of California? Everything.

What happened in that dark, dead-end alley betrayed the myth of the "California dream" — that the Golden State offered to all who came here a land of boundless opportunity, a sense of confidence and safety, a glistening quality of life. Government built the infrastructure that drove and supported that dream — a vast system of freeways to navigate the Golden State, a mammoth water project to farm it and feed it, a system of education that nurtured a work force with the creative energy to help California's economy soar. Government could supply these services because Californians trusted its ability to deliver them. And because voters were willing to provide their leaders with the money, and the commitment to a common good, necessary to make big dreams politically safe.

But no more.

Today, school test scores are lower, support for social services is shrinking, California is struggling out of a recession and the political will that built and maintained "the Golden State" no longer exists. The senseless murder of Stephanie Kuhen has become a glaring symbol of a dysfunctional system. Government isn't delivering, and people just don't feel safe.

What's going on? What has happened to the ability of state government to provide the basic building blocks of the California dream? Why aren't Californians willing to support them?

There is an axiom that "good government is good politics." As California grew into the 20th century, "good" government was defined as "activist" government — to govern meant to

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Sherry Bebitch Jeffe is a senior associate at the Center for Politics and the Economy at the Claremont Graduate School and a contributing editor for California Journal.

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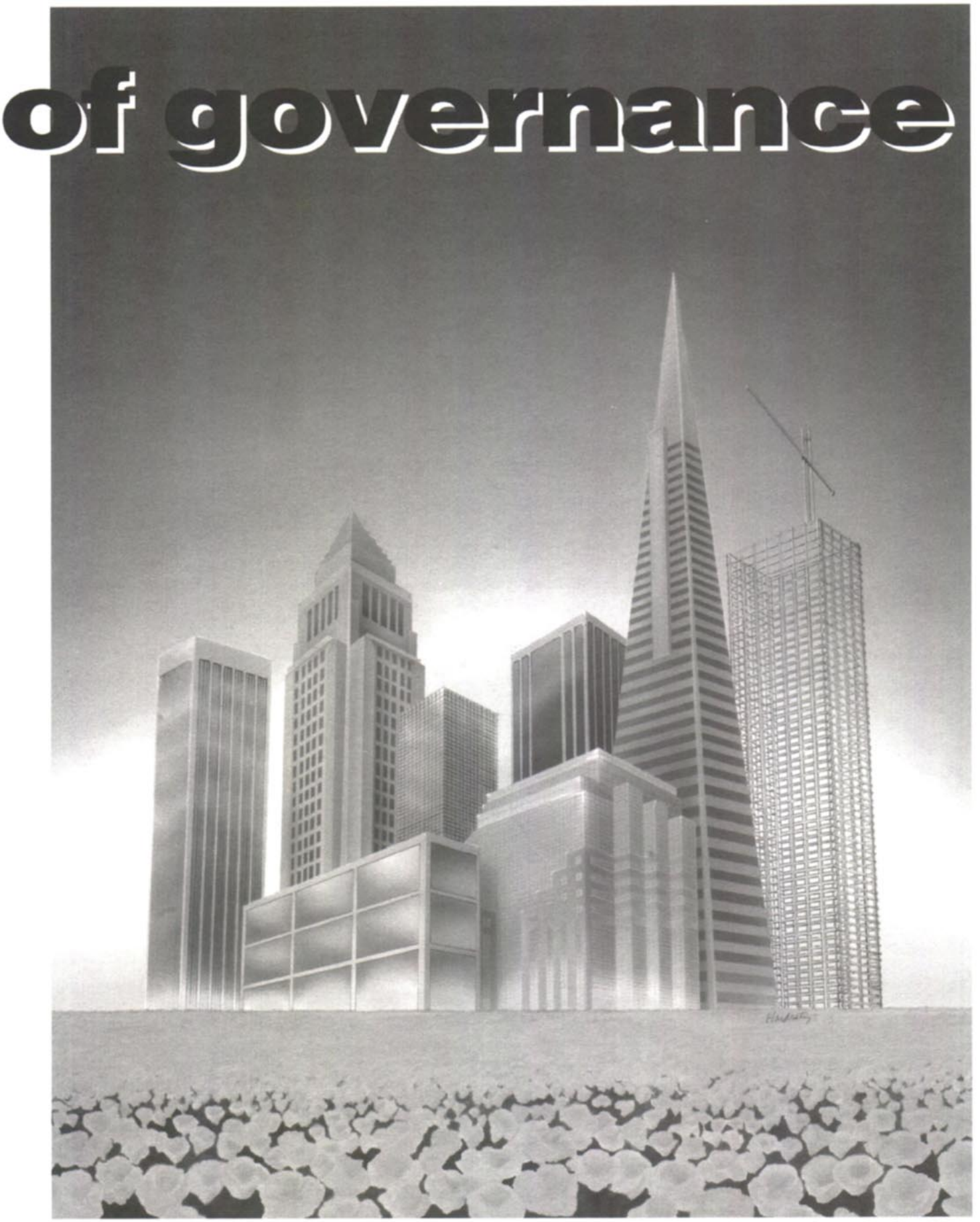

Illustration by Debra Hardesty, Journal *cover October 1987*

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If...the basis of effective government is public confidence, it's not surprising that California falls so short of the mark.

intervene in the social and economic welfare of the state and its citizens. A government that "provided" made political sense. But as we hurtle toward the millennium, "good" government has come to mean "less" government — or at least one that is closer and more accountable to the electorate than is Sacramento. And, today, California voters are swept up in what *Los Angeles Times* poll director John Brennan describes as "an increasing tide of cynicism on the part of the public toward state government." The public tends to view "good politics" as an oxymoron.

A Field Poll taken in early fall showed over half the Californians surveyed (57 percent) felt the state was "seriously off on the wrong track." Those findings were a slight improvement over the past three years; in 1992 — the year of the 63-day-long budget meltdown, fully 90 percent of Californians surveyed said the state was headed down the wrong track. Still, only one-third of the sample sees the state headed in the right direction.

Similarly, only one out of five respondents to a *Los Angeles Times* poll indicated that they trusted state government to "do what is right just about always" or "most of the time," while nearly one in four trusted Sacramento "hardly ever." The same poll showed 65 percent of Californians surveyed were "angry ... about the way the government in Sacramento is working." Fully 74 percent saw state government as "pretty much run by a few big interests." Only 16 percent felt "it is run for the benefit of all the people."

If, as President John F. Kennedy once observed, "(T)he basis of effective government is public confidence," it's not surprising that California falls so short of the mark.

Other forces have helped reshape the role and function of government. Some are political, some sociological and some stem from the rapid changes in technology and communications that are defining the last years of the 20th century. Much has been written about the explosion of voter distrust and public cynicism in the wake of the Vietnam War and Watergate. These events became shorthand symbols for government lying and political "dirty tricks." And the politicians who best articulated — and harnessed — the electorate's increasing hostility toward government came from California.

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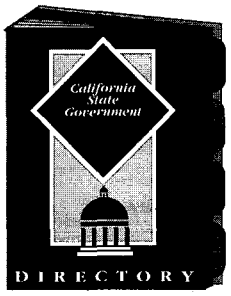

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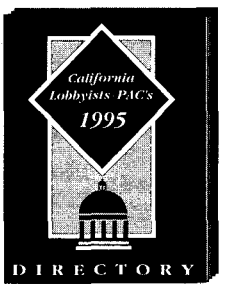

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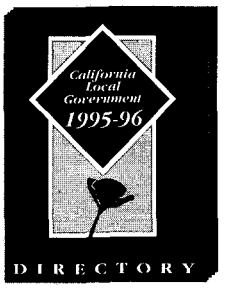

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Ronald Reagan, for one, used his communication skills and his image as a political outsider to crystallize the electorate's anti-government sentiment, and he fueled the conservative "Reagan Revolution" with it.

Ironically, when Republican Reagan left Sacramento, it fell to his Democratic successor as governor to help sustain Californians' antipathy toward "big government." Jerry Brown's "small is beautiful" rhetoric and his derision of "big money politics" continued the symbolic, if not actual, assault on what Reagan had labeled "a surplus of government."

In 1978, Howard Jarvis and Paul Gann, two self-styled tax crusaders, put Proposition 13 on the ballot. The initiative, which limited local property taxes and made it more difficult for state and local governments to raise taxes and impose new ones, garnered a 65 percent "yes" vote. Proposition 13 was an emphatic voter statement against California's soaring property tax burden and state government's unwillingness and inability to overhaul the tax system. It crystallized an anti-tax sentiment among voters that still drives American and California politics.

Proposition 13 — and its companion measure, Proposition 4 of 1979, which put a constitutional limit on government spending — triggered an era of fiscal policy-making by initiative that reduced California's governor and legislators to the role of virtual bystanders in a "ballot-box budgeting" process. It is a role that many elected officials embraced willingly as political cover in an anti-tax climate, but it has only added to voter frustration with government unresponsiveness.

Then, as the 1990s unfolded, a series of destabilizing depth charges hit California government and politics. The end of the Cold War brought with it the deflation of California's booming defense industry. And the decline of the Soviet Union's "Evil Empire" led to an unraveling of the Cold War political consensus. Pollster Mark Baldassare saw an attitude among voters that "The Cold War made government a necessity for people — to protect them from 'the Red Menace.' If there's no Cold War, what's the function of Washington? If there's no function for Washington, what's the function of the state?"

In the face of an unrelenting economic downturn and deprived of a common, external enemy on which to vent political wrath, Americans — Californians among them — began turning inward and turning bitter. The recession increased voter anxiety at the same time it severely limited the political and fiscal options available to elected officials to placate Californians dissatisfied with Sacramento. And an influx of new immigrants, predominantly Asian and Latino, increased demands on the state's educational and social-services systems and further stressed its economic and cultural infrastructure.

Voter approval of term limits, coupled with a court-drawn, competitive reapportionment, rocked the legislative institution to its foundations. Lawmakers, fighting for re-election or scouting their next office, now spend more time in campaign mode — raising money and mollifying special interest constituencies — and less time on policy-making for the public good. Finally, on the cusp of the 21st century, economics, politics and demographics have reached critical mass in California and everyone is reeling.

That brings us back to the murder of little Stephanie Kuhen because it underscores the political possibility that threatens government the most: that California is no longer a "state" — one body of people, able and willing to be governed — at all. Although horrific, the Kuhen shooting was one of many that have occurred in gang-infested neighborhoods. But few have riveted media and government attention and fueled public anger as has this one. Why?

The fact is, most are "minority-on-minority" crimes. African-American and Latino children may be at risk in their urban neighborhoods. But these killings seldom impact middle-class, Anglo Californians, who live in suburban or gated communities and whose families are shielded by private security systems. Thus, elected officials who represent these constituencies rarely feel political pressure to react. Stephanie, however, was a symbol of middle-class white California — as was a young Petaluma girl named Polly Klaas two years ago. The universal rage and fear generated by their murders — and by government's perceived inability to protect its citizens — directly threatened politicians.

That's why the Klaas kidnap and murder lit a fire under a concept like "three strikes and you're out" after it had languished in the Legislature, and why the Kuhen killing has prompted elected officials to finally and quickly respond with press conferences, task forces, anti-crime legislation, site visits and offers of monetary rewards.

What do these actions tell us about our system of government? First, that crisis drives policy — which is why

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Citizens give institutions life and breath and legitimacy. They grant their elected leaders the authority to govern. Or they deny it.

change is so hard to achieve. The second message is more disturbing: Government is no longer "of the people, by the people and for the people." It is "of the voters, by the voters, and for the voters." And the "people" of California and the "voters" who make up its electorate are two very different groups.

An analysis of voting in the 1994 general election, done by the Field Institute, showed the profile of California's electorate "contrasts sharply" with that of its adult population. According to Field, "[a]s a group voters are older, more conservative, include more white non-Hispanics, have higher levels of income, [and] are better educated..." When an unrepresentative sample of the state chooses its leaders, that skews the functions and outcomes of government.

None of this is unique to California. The trends toward voter cynicism and civic balkanization that have crippled California government can be found in other states. And President Bill Clinton recently reflected on the political, cultural and economic "tumult" abroad in the nation, as all Americans are buffeted by the whirlwind of social and technological changes sweeping through the last years of the 20th century.

And there are those who simply disagree with the perception that California government isn't working. Assemblyman Kevin Murray (D-Los Angeles) sees the gridlock that has paralyzed the state Capitol as the result of a one-time convergence of "cataclysmic forces" that "will not happen again." These include the first session in which many legislators must face their own term limits, the "psychological impact of the change of leadership from the Democrats to the Republicans," and a belief among some legislators that "the Republican surge of 1994 was an anomaly." Said Murray, "After that all plays out, without Willie Brown as a lightning rod for Republicans, things will settle down and we'll get things done."

Nonetheless, this state's elected leaders felt the need to respond to public pressure to restructure government and created the California Constitution Revision Commission. The commission's charge is to study the state's crisis in governance and to pro-

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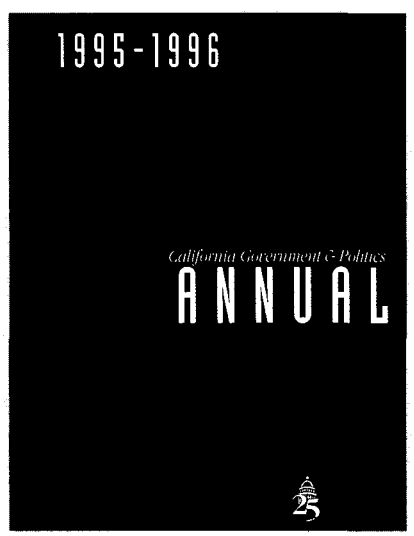

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pose solutions. Its goals, outlined in a preliminary report issued in August, include "improving accountability and responsiveness of all government; eliminating barriers to efficiency; increasing flexibility; [and] enhancing fiscal integrity."

The commission, says its executive director, Fred Silva, is looking at "how it is that we can change the structure [of government] to change the outcome." Among its preliminary recommendations are shifting from a two-house legislature to a 121-member unicameral, increasing the length of term-limited service to three four-year terms, limiting legislative sessions and limiting fund-raising during sessions. The commission would also replace the two-thirds voter requirement that has long been a obstacle to rational budgeting with a majority legislative vote, establish a two-year budget cycle and tightly regulate new borrowing. And, nipping at the heels of Proposition 13, the commission is looking to make it easier for school districts and local governments — but not the state — to raise taxes with voter approval.

It is also working to reconfigure the relationship between the state and local governments. "Control ...," argues Silva, "ought to be as close to localities as possible." Ironically, the commission is looking to shift decision-making power from Sacramento to local governments at a time when Congress is attempting to push more responsibilities and authority onto the states.

Clearly, the systemic reforms touted by the commission — fixing the near-collapse of the health-care system of Los Angeles County, the bankruptcy of Orange County, the palpable impact of political money on public policy — all underscore that reality.

But failed attempts after unanticipated outcomes of reform should have taught us that reinventing the structure of government is not enough. The foundations of governance — the manner in which we, the people, are ruled and allow ourselves to be ruled — are in dire need of repair. That may call for a redefinition of the notion of "citizenship." And central to that notion are the concepts of political participation and community. As a measure of participation, voter turnout in the 1994 general election was up a few percent from the 1990 gubernatorial election. But, according to the Field Institute, only 45 percent of the state's eligible citizens voted — still "lower than the participation rates seen in the 1950s and 1960s."

Increasing participation by easing access to voter rolls or by targeted registration and get-out-the-vote drives can only accomplish so much. Many newly arrived immigrants left countries in which political participation is viewed as inappropriate, futile — or even deadly. Decades of political socialization may be needed before these Californians are willing to participate fully in governance. Even today, politicians in both parties often see it in their best interests to discourage participation in the process.

How should political participation be identified today? When voting is viewed as only one of many political acts? When political decisions that affect this state and its citizens increasingly take place outside the formal institutions of government? When ideological debates are held in cyberspace? Those questions underscore the need to redefine the concept of "community" and to integrate that definition into the role of the government. We must also face the possibility that Californians are turning away — with forethought and purpose — from traditional communities, abandoning institutions that lack a real relevance to their daily lives and re-engaging themselves in "communities" that seem more meaningful and responsive — a gang, a community watch, an Internet address.

That fits the construct of "civil society" — a term which describes "a new vision of social and political organization built around people rather than ideologies." As political scientist Augustus Richard Norton explains it, "The state system ... survives. But parallel to the state system now is a system of non-sovereign or non-state actors, sometimes local but sometimes crossing boundaries, because the communications revolution has enabled them to maneuver around the state restrictions, laws, and surveillance."

The notion that people determine the nature of governance is not a new one. Over 150 years ago, Thomas Carlyle observed, "In the long-run every Government is the exact symbol of its People with their wisdom and unwisdom; we have to say, 'Like People, like Government.'"

Citizens give institutions life and breath and legitimacy. They grant their elected leaders the authority to govern. Or they deny it. They demand leadership. Or they punish it. Citizens maintain oversight. Or they ignore it. They embrace a common good. Or they abandon it.

In the end, Californians contemptuous of the leaders and institutions that define this state's government must face an uncomfortable truth: Any system is — and will always be — only as good as the people who inhabit it. Or as Pogo, that political sage of the funny papers, put it, "We have met the enemy. And he is us."

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Stepping Forward and

Twenty-Five Years of Political Reform

By Bruce E. Cain

The titles of *California Journal* articles over the last two decades tell the story of political reform in our state. The ink had barely dried on Proposition 9 when the *Journal* published a spate of articles highlighting the law's various shortcomings: "Proposition 9: the local government loopholes" (September 1974); "Political reform as a danger to democracy," (August 1975); and "Political reform at the critical crossroad" (August 1976). By the late 1970s and 1980s, *California Journal* was writing about the "California sunset of Common Cause," (November 1977), the "Comatose state of political reform" (March 1981), "Legislative ethics: how far have they fallen" (March 1981) and "Searching for reform" (April 1989). Let no one accuse the *California Journal* of sugar-coating the truth about political reform.

Even the most politically oblivious Californians must recognize that political reform has not been all that we hoped for, to say the least. At the same time, it would be wrong to ignore the fact that parts of the system have changed for the better. But why do so many Californians think that matters have become worse? One reason may be that their memories are limited and their standards have risen. The tactics of the Artie Samish era would seem boorish and stupid to even the most sociopathic contemporary politician. The days of "Moose Milk" — lavish luncheons at the lobbyists' expense — are gone. Nowadays, it is the politicians who host the meals, the lobbyists who are the guests, the food is rarely lavish (often barely edible) and the money goes to the campaign consultants, not to the candidates.

Political reform has mostly been successful in rooting out the most blatant and traditional forms of corruption — i.e., where public officials traded actions for private gain. Proposition 9 prohibited lawmakers from taking more than $10 a month from lobbyists. Sixteen years later, Proposition 112 extended the no-bribery principle in a sensible direction by outlawing the practice of giving large honoraria to legislators. These reforms were widely accepted because they fit comfortably within the anti-corruption framework. Most everyone could agree that legislators should not be able to exploit the monopolistic power of the state to accrue private gains. The problem of bribery regulation lies not in

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Stepping Backward:

Illustration by Perry Babasin, Journal *cover September 1992*

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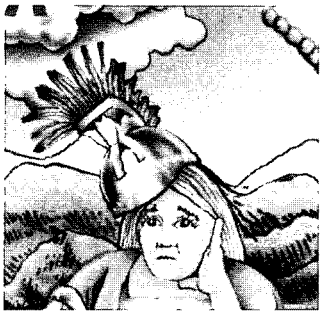
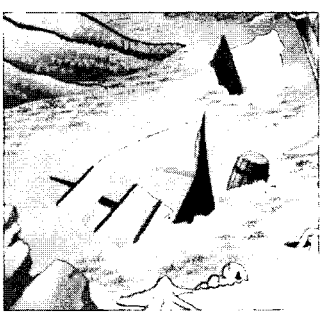
disagreement about the principles but in the details of defining what constitutes a gift.



Another area of relative success is the fostering of greater openness and disclosure. The self-cleansing features of a democracy work best when voters are informed and when politicians can be held accountable for their actions. The Brown Act placed a great deal of local decision-making in the public arena. The most direct beneficiaries of the Brown Act are the journalists who cover local politics and a small number of community activists. But indirectly, the public benefits by hearing about things in a more timely fashion, giving it a chance to mobilize before actions are taken as opposed to only acting after the fact.

By contrast, the parts of political reform that have not been as successful are the ones that stretch beyond the traditional values of non-corruption and openness to questions of equity and fairness. Insofar as one is worried about the undue influence of lobbyists and special interests or the role that money plays in California electoral and legislative outcomes, political reform has managed to go one step forward and two steps backward.

Part of the problem is that many reformers try to define equity issues as matters of corruption. Instead of saying that large contributions undermine the "one man, one vote" equity of the electoral system, they argue that political donations corrupt the process or are equivalent to bribes. But, as the U.S. Supreme Court has pointed out, political contributions and expenditures are valid forms of political speech and association, and the motives for financing elections are no different from those that underlie voting itself. Let us face facts. The real reason to limit political money is to equalize the voices of constituents, and there is no consensus in California about that goal.



The 1994 U.S. Senate race between Dianne Feinstein and Michael Huffington serves as a useful paradigm for the contradictions we feel about campaign finance. The court's ruling in *Buckley v. Valeo* held that personal and independent spending could not be limited, because they were direct forms of political speech. Under the doctrine of strict scrutiny, the only legitimate reason speech of this form could be limited was to preserve the integrity of the ballot from corruption.

Equity was not enough. Since a personal expenditure could not corrupt, it could not be limited. Huffington supporters echoed the court's logic when they argued that a wealthy person spending his or her own money has the virtue of being uncorrupted by special-interest money. Feinstein supporters focused on the equity issue: Isn't there something wrong with a system in which wealthy people have better access to public office than those of lesser means? The court's blindness to issues of equity leaves us with limited ways to address this problem. The public's lack of consensus about whether it wants equity leaves us without the will to act even if we could.

In the end, federal laws offer little hope as a model for California. The congressional model of contribution limits and no public financing has proliferated the formation of PACs, increased the amount of time spent on fund-raising activities and done nothing to even the influence of moneyed and unmoneyed interests. The presidential system of public funding and expenditure limits has driven up coordinated and independent spending.

All proposals are variants of one or both of these failed federal prototypes. Only Common Cause can sustain its enthusiasm for imposing these on California. That is not say that it will never happen. The ease of getting initiatives onto the ballot and the inevitability of some future campaign-finance scandal make it likely that voters in a moment of heightened frustration will enact one of the conventional reform models. Hopefully, the *California Journal* still will be there to chronicle the progressive disillusionment that will ensue.

As we move through the rest of the 1990s, the insult of superficial campaigning has been added to the injury of expensive elections. We are spending more and enjoying it less. The powerful logic of negative campaigning has promoted an escalating arms race of slander and vituperation in recent elections. High-priced consultants tightly script all the actions and words of candidates. The candidate's job is to raise money; the consultant's job is to spend it. The end product of our money and technology is virtual-reality campaigning: talking heads reciting sound bites that have been pre-tested on focus groups.

Perhaps it is time to broaden our thinking about reform and to find ways to make democracy less expensive by making it more manageable. Instead of proliferating the number of statewide offices, we should simplify the ballot and cut it down to a fewer number. Instead of large districts where the only connections between voters and offices are electronic, we should should think of cutting the size of districts even if it means expanding the size of the Legislature.

And instead of trying to limit the access of the wealthy and professional lobbyists to legislators, perhaps we should be finding ways to use the new information highway to connect all constituent groups better to their representatives.

In the end, we will have better reform if we have a better vision of what we want from reform. All too often, we assume that we know what we want and spend our efforts trying to realize what we have not thought through. Perhaps, the next 25 years of reform efforts will be more productive if we put the horse before the cart.

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Counties in

Problems assailing Los Angeles and Orange counties once again raise questions about the relationship between state and local governments, and the need to pay for increased services with diminished resources.

By Laureen Lazarovici

Lassen County no longer has a department of animal control. If any critters get out of hand, residents have to call the cops. "In egregious cases, a deputy goes out," says county administrative officer William Bixby. In the Sacramento County suburb of Elk Grove, the special fire district is considering charging homeowners $500 dollars to put out a blaze. Los Angeles County came only days away from virtually shutting down its public health-care system, and Orange County has the dubious honor of being the largest municipal entity in the nation to declare bankruptcy.

Why are California counties in a seemingly continuous state of crisis — and what are leaders trying to do about it?

Observers agree that the 1978 passage of Proposition 13 and the property tax shifts in the early '90s from municipalities to the state are the root causes of the counties' woes. How to solve these problems yields less agreement, however. Liberals argue for more taxes, while conservatives focus on privatization of services. Transcending ideology is a larger debate over a total overhaul of the relationship between state and county government.

Southern California this year provided stark case studies of counties' dire straits. In Los Angeles, years of stop-gap measures to balance the budget and of increasing demands on services — one in five residents receives some sort of public assistance — resulted in a $1.2 billion deficit. County officials considered closing Los Angeles' largest public hospital, raising the specter of people literally dying in the streets. Plans for only slightly less drastic closures of other public-health facilities were drawn up as alternatives. Only after President Bill Clinton came up with $364 million in federal funds to rescue and restructure the ailing county health-care system was a complete meltdown avoided (see "Washington Perspective," page 40).

Neighboring Orange County, meanwhile, struggled to climb out of bankruptcy. During the 1980s, then-Treasurer Robert Citron leveraged the county's investment pool into risky and exotic investments. No one raised an eyebrow as long as the financial markets were going his way. At one point, up to one-third of the county's budget came from interest income, making up for losses from other sources. But then the market started going the opposite direction than the way Citron bet, resulting in $1.7 billion in losses. Creditors couldn't be paid, and the county sought protection from the bankruptcy court. Under pressure from an emergency chief administrative officer, county supervisors reluctantly placed a sales-tax measure on the ballot to pay for the shortfall. It failed miserably. But in the closing days of the legislative session, relief came in the form of funds shifted from transit, flood control, park and redevelopment agencies.

Both counties have solvency in sight — for now. But as California State Association of Counties deputy director Dan Wall points out, "What brought Orange County to the edge of the cliff were the same forces that brought L.A. — and other counties — to the edge. The underlying circumstances are identical." Moreover, he adds, "None of the fundamental relationships have changed with these patchwork solutions."

Those underlying circumstances and fundamental relationships can be traced back to Proposition 13. That

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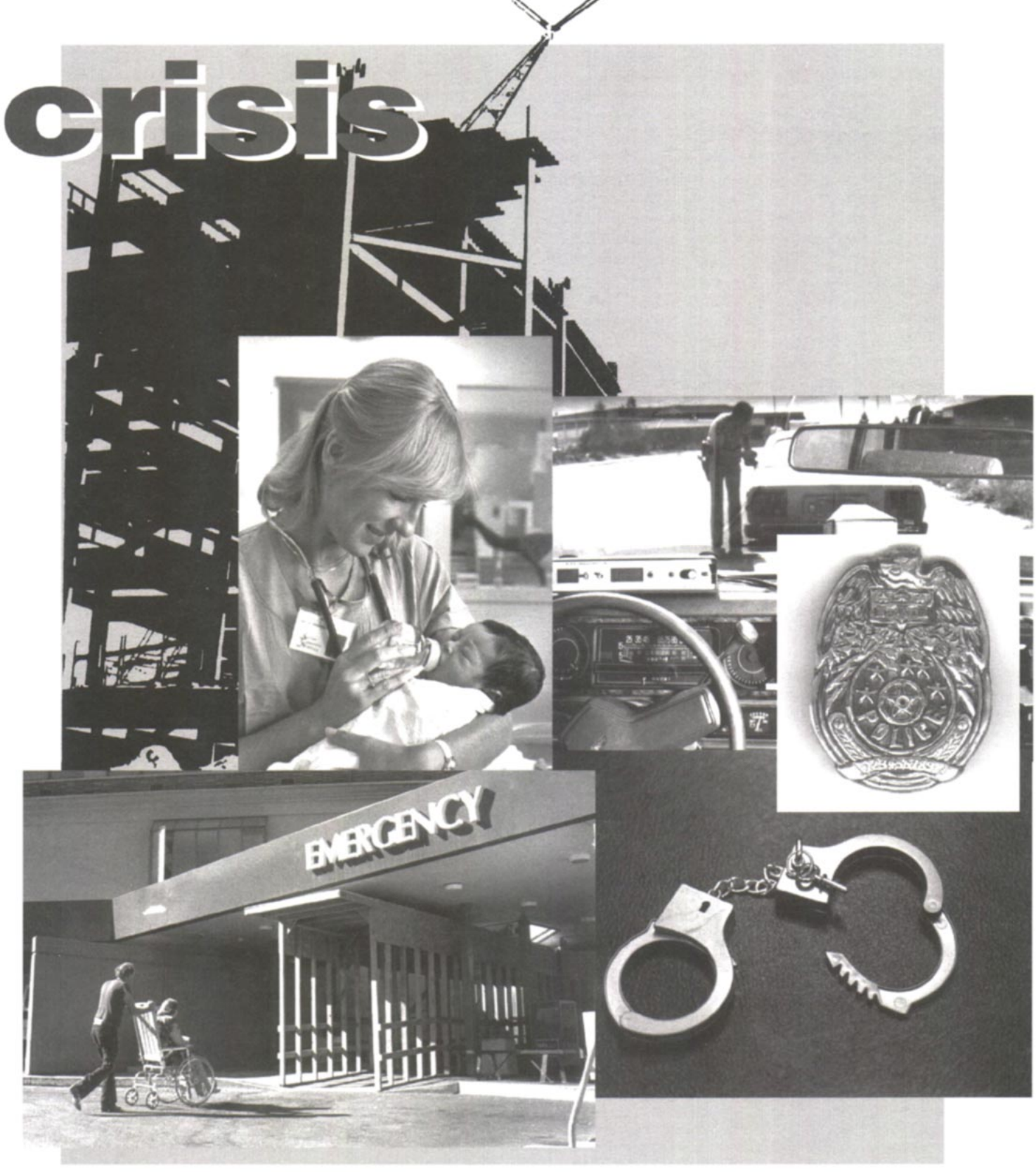

taxpayer revolt initiative capped property taxes and shifted revenue-raising authority away from counties and to the state. But counties still retained the responsibility for providing services. Proposition 13, in effect, delinked raising revenues from providing services. In the post-13 environment, the state government cushioned the blow to counties by taking over some of their health and welfare programs and by returning some property tax money to them. That worked — as long as the state could afford it. When the recession hit statewide, Sacramento in effect told the counties, "We want our money back." In 1992 and 1993 the state budget shifted tax money away from the counties and into the schools. For a large county like Los Angeles, that meant a loss of $1 billion. The legislative analyst's office cites the shift as one of the primary reasons for Los Angeles' budget crisis.

Proposition 13 changed the relationship between the

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counties and the states. The property tax shifts merely papered over, but didn't change the structure of that relationship. "The root problem is county boards have control over neither revenue nor expenditures," says Wall. On the revenue side, counties can't raise property taxes at all. They are allowed to raise general taxes with a majority vote of the people and special taxes with a two-thirds vote — a requirement recently upheld by the State Supreme Court. On the expenditure side, counties are bound by state and federal mandates, and much of their spending is indexed to ever-growing caseloads. Ten years ago, 15 percent to 20 percent of a county budget was discretionary. Now, it's down to 5 percent to 7 percent.

Liberal critics look at the revenue side of the equation. "Ultimately we're going to have to reform Prop. 13," says Lenny Goldberg, executive director of the California Tax Reform Association. "One simple sentence would do it: 'Non-residential property shall be assessed at market value,'" he says. Simple, but politically explosive. Ending Proposition 13's protection of commercial property has been a non-starter for years. Other tax measures have passed — notably 1993's Proposition 172, which permanently extended a special half-cent sales tax for public safety — but most don't fare well. This year, Los Angeles County sought the authority to tax alcohol and tobacco, but bills allowing that authority didn't even come close to getting out of the Legislature, although some officials now talk about a statewide ballot measure next November to that effect. Orange County's bankruptcy relief tax flopped by a wide margin at the polls.

In contrast, conservative critics focus on the expenditure side of the ledger. Early in Orange County's bankruptcy crisis, for example, the all-Republican legislative delegation introduced a carload of measures to privatize county services and relax state mandates on services. The bills went nowhere, but they did dramatize the difference in approaches to fixing county financing.

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Tinkering with taxes and mandate relief within the current structure is just a shell game, according to those trying to look at the big picture. The Constitutional Revision Commission, empaneled to examine a whole range of state dysfunctions, has drafted an ambitious plan to bring together local governments — county, cities, special districts — in community charters to consolidate local services. Both general and special local taxes would be subject to majority votes, and property taxes would be allowed to be raised with the consent of two thirds of the voters.

Other reformers are examining the relationship between counties and the electorate. "A board of supervisors is a 19th century institution," says Peter Detwiler, former consultant to the Senate Local Government Committee. "A board blends legislative and executive responsibilities, and it doesn't do either well. The California Constitution ought to separate these functions and reduce the size of districts, increasing the number of supervisors. There should be a directly elected county mayor and reduce the number of directly elected department heads." The fact that some counties can't solve crises within their own governmental structures is proof of the need for reform, says Detwiler. "Why did L.A. appoint a health czar?" he wonders, referring to former Assemblyman Burt Margolin (D-Los Angeles). "We have to do extraordinary things when ordinary things don't work."

Many political pitfalls stand in the way of reform. Not the least of them is a large gulf of distrust and rivalry between state and local elected officials. Orange County Supervisor Marian Bergeson has a unique perspective on that issue, given that she was a Republican state senator for 16 years before taking her current post. "Until I actually served as a supervisor, I hadn't realized the damage Sacramento had done, especially in terms of mandates," she says. Lawmakers trying to solve the Los Angeles and Orange county problems were constantly laying blame on one another. Orange County legislators chastised the board of supervisors for dragging its feet on coming up with a recovery plan. Los Angeles legislators said supervisors got themselves in the mess, while supervisors shot back that it was their own delegation that went along with the devastating property tax shifts. When Los Angeles state officials finally put together a plan authorizing a loan from the local transit agency to the county, supervisors snubbed them by turning it down.

Any type of reform would necessarily trample on turf and gore some sacred cows, including police agencies. "No one is talking about the inefficiencies in law enforcement," says CSAC's Wall. "Why do we need city and county departments? Why not consolidate? It's politically taboo. It's about turf."

Perhaps the starkest political reality is that counties serve politically powerless constituencies: those on welfare, those who use public hospitals, those going through the court system. They are not the ones going to the polls every time a special tax is on the ballot. "Our clients are not the ones who show up for fund raisers," observes Bergeson ruefully.

Increasingly, voters are asking themselves not which governmental entity ought to be providing these services but whether government should be providing them at all. This larger question haunts the debate over reforming counties or even doing away with them altogether. "What kind of Hobbesian choices are we going to have to make?" asks Dave Oppenheim, senior legislative analyst for CSAC. "The safety net that everyone depends on — the courts as well as health and welfare — is in jeopardy. The service responsibilities don't go away. Doing away with counties doesn't get to the real problem."

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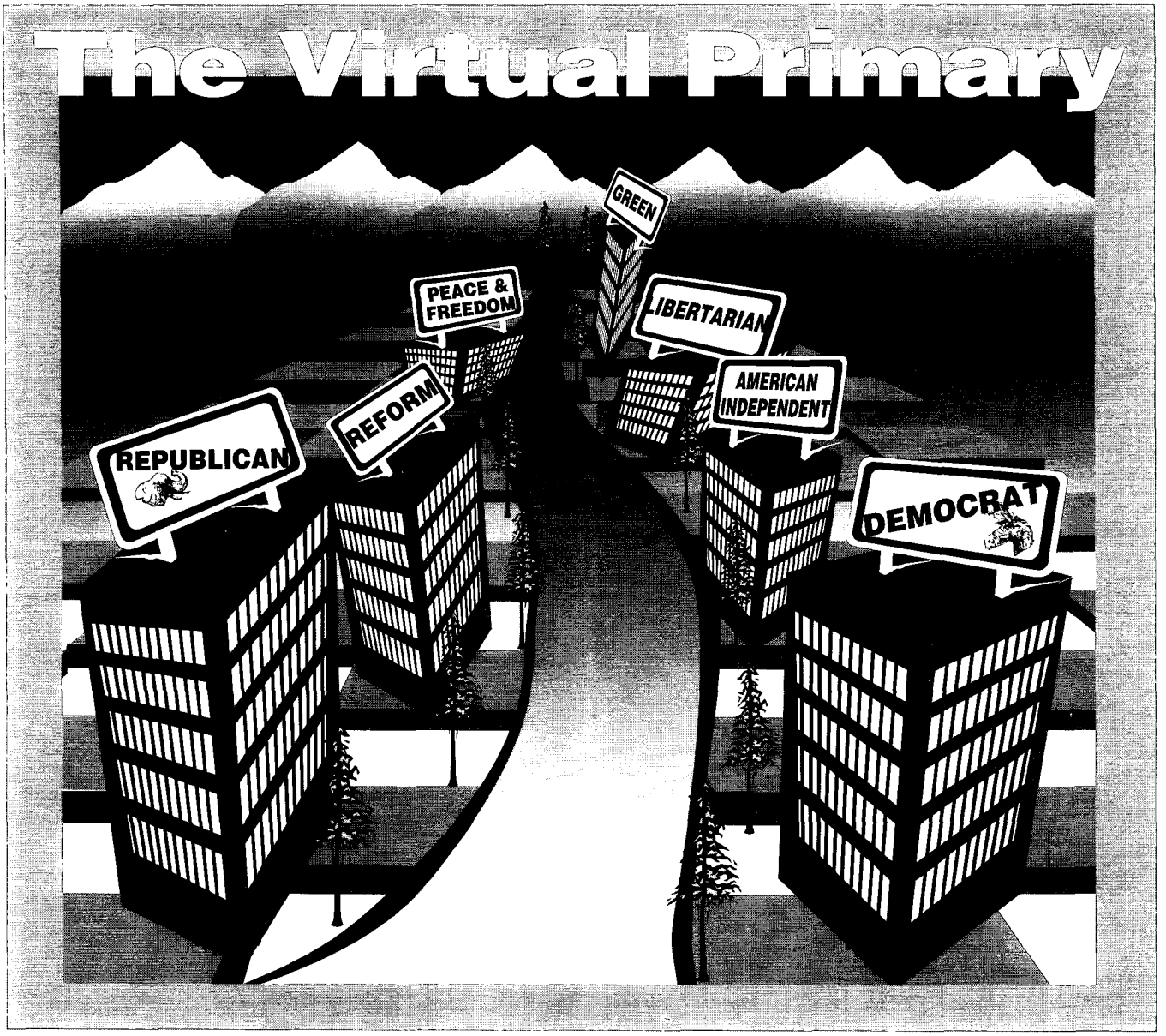
The Virtual Primary



Proponents of California's proposed "open primary" want to give every voter the chance to vote in primary elections. But opponents of the scheme say it will further weaken political parties and allow "enemies" to skew the results.

By Charles Price

"Too often, the choice in the general election boils down to a Leon Trotsky-type Democrat versus an Attila the Hun-type Republican," lamented Richard Ferrari, San Diego Republican activist and co-author of the so-called "open primary" initiative, which has qualified for the March 1996 primary.

Ferrari's lament bolsters the notion that California's current "closed" primary system often produces candidates who represent the extremes of both major political parties. That system requires that voters who want to participate in a party primary must register for that party.

Charles Price is a professor of political science at California State University, Chico, and a frequent contributor to California Journal.

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But Ferrari and his allies want to change that system with an open primary that would allow participants to cross party lines to cast their ballots. Instead of Democratic voters restricted to voting only for Democratic candidates, Republican voters for Republican candidates, and so on, voters would have the opportunity to vote for any candidate regardless of the office seeker's party affiliation. The party candidate receiving the most votes running for a particular office would be listed as that party's nominee on the general election ballot. Republican and Democratic county central committee members, however, would be elected on a separate party ballot available only to their respective party voters.

At present, 11 states operate under some form of open primary. In eight of those states, voters are allowed to choose which party primary to vote in on Election Day. Currently in California, if a registered Democrat decided he wanted to re-register as a Republican in order to vote in the 1996 GOP presidential primary, he or she would have to complete the paperwork with election officials at least 29 days before the primary. Three states — Washington, Alaska and Louisiana — have what is called a "blanket primary," where voters may vote for the candidate of their choice regardless of that candidate's party affiliation. California's open primary initiative is patterned after those states. Louisiana's blanket primary has a unique twist: if a candidate running in the primary gets 50 percent-plus-one of the total vote cast for that office, he or she is elected automatically in the primary.

The current primary system in California dates to the early 20th century, when Progressive reformers successfully promoted it to undercut domination of the nominating process by party leaders and activists, who created party slates at state conventions. While most states have followed California's lead, a few Eastern states still cling to the old convention system. Thus, Ollie North received the Republican nomination for U.S. Senate in 1994 at a Virginia convention rather than in a primary. North eventually lost to incumbent Democrat Chuck Robb. With Progressive prodding, California also became one of the first states in the nation to elect rather than appoint delegates to the national nominating conventions.

Originally, California's primary featured an embellishment known as "cross-filing," which allowed candidates to file for a particular office in their own party's primary, and also in the "other" party's primary as well. The notion was that people had the right to vote for the best person in a primary regardless of party. Since a cross filer's party affiliation was not listed on the ballot when they entered the "other" party's primary, voters often did not realize they were voting for a person of the "other" party. They simply voted for the familiar name; usually, the incumbent. Candidates winning both party's primaries — sometimes as high as 70 percent to 80 percent of legislative races — were listed on the general election ballot as hyphenated Republican-Democratic or Democratic-Republican (depending on the incumbent's party affiliation); they had no major party opponent. On rare occasions, cross filers won the other party's primary but lost their own.

Republicans, for the most part, were able to take better advantage of cross filing because they had more incumbents, superior campaign financing and greater newspaper support. Because of its disastrous impact on Democratic Party fortunes, cross filing was modified via a Democrat-sponsored initiative in 1954 and completely abolished in 1959. Occasionally, however, a candidate may receive two different party's nominations for an office. Senator Jack O'Connell (D-Carpenteria) accomplished that feat as an assemblyman in 1990 when he won his own primary, then won the candidate-less GOP primary as a write-in. Assemblywoman Jackie Speier (D-South San Francisco) did the same thing after no Republican opponent filed against her in 1994. Both Speier and O'Connell received a sufficient number of write-ins from Republicans (at least one percent of the previous general election total).

In terms of objectives, the open primary and cross filing are similar, but the way they work are quite different. Instead of having a single, hyphenated candidate on the general election ballot with no major party competitor, under the "open" primary, each party's top vote-getter for a particular office becomes its nominee. This ensures competition on the general election ballot.

The open-blanket primary idea has been proposed periodically over the years by various "good government" reformers. Until recently, however, the idea failed to develop sufficient momentum. Open-primary legislation has been introduced in the Legislature before, but it always died in committee. In 1984 an open-primary initiative was filed, but proponents failed to get the necessary signatures to qualify for the 1986 ballot. Many of the activists from that failed effort are involved in the new initiative.

For the most part, the key activists who organized to promote the open primary initiative are moderate Republicans, including Republicans For Choice and the California Republican League. They launched their drive because they have become increasingly disenchanted with right-wing nominees who frequently win Republican primaries. A smattering of Democrats and independents provide some bipartisan balance to the initiative effort. For example, Trish Hooper, a Democratic activist of San Mateo County whose daughter is married to former GOP Congressman Pete McCloskey, is co-author of the initiative. State Senators Steve Peace (D-El Cajon), Ruben Ayala (D-Chino) and Lucy Killea (I-San Diego) also are supportive. And, United We Stand volunteers have been involved in initiative planning.

Any effort to qualify an initiative requires money. To that end, one of the open primary's chief legislative proponents, Senator Tom Campbell (R-Stanford), said that he persuaded David Packard, co-founder of Hewlett-Packard and one of California's wealthiest citizens, to offer a matching grant of $200,000 to the cause. William Hewlett provided another $25,000, and the Hewlett-Packard Corporation contributed $10,000. The early seed money from Packard was invaluable. Open-primary proponents hired attorney Peter Bagetellos, a specialist in initiative law-making, to draft the initiative, and American Petition Consultants, a professional signature-gathering firm, to collect the required signatures. The effort to qualify began in February 1994.

"The [open] initiative was not the easiest to qualify," said Bill Arno of American Petition Consultants. "Our solicitors had to spend a little more time explaining the measure. It wasn't nearly as easy to qualify as [Propositions] 184 [three strikes] or 187 [illegal aliens]. We had to pay our solicitors a little more per signature in order to collect all of our signatures." Arno said about 75 percent of the signatures were gathered by paid solicitors, with the remaining 25 percent brought in by volunteers.

Proponents of the initiative, such as Republican activist Susan Harding of San Diego, argue that their proposal provides three prime advantages. "First, it will increase participation in the California primary," said Harding, a Dean Witter executive

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and the measure's campaign coordinator. "Those registered as 'decline to state' will be able to vote ... in the primary, and this will increase their turnout. Second, it will reinvigorate the electorate by providing primary voters broader choices. Third, it will encourage parties to put forth stronger, more viable candidates."

Ferrari noted: "Those nominated in the Republican and Democratic primaries often have little in common with the great mass of voters. Our best officeholders tend to be mayors and supervisors — people who hold non-partisan office. Now, admittedly, many of these local officeholders are registered Republicans, but they're pragmatic Republicans like Mayor Richard Riordan of Los Angeles."

As moderate Republicans see it, conservative candidates tend to win GOP primaries because hard-core conservatives are more likely to vote in the primary. But these staunch conservative GOP candidates often lose to Democrats in the general. For example, moderate Tom Campbell lost to arch-conservative Bruce Herschensohn in the 1992 U.S. Senate Republican primary. Herschensohn subsequently lost to Democrat Barbara Boxer in the general. Cross-over Democrats voting in the primary for Campbell could conceivably have won him the nomination. And, it is possible that Campbell would have been a tougher opponent for Boxer in the general.

Open-primary advocates argue that most Californians live in legislative districts that are "safe" Republican or Democrat in registration. As a result, minority party registrants have no chance of influencing the legislative primary outcome and so often opt not to vote. Under the open format, their vote would have meaning.

Killea added that the open primary would "increase the opportunities for more moderate, less partisan candidates to get nominated. This isn't the complete solution to California's governmental problems, but it is one piece of it." Killea noted that moderate Republicans seem to be the prime instigators of the initiative because "they're suffering the most under the present system."

The prime opponents to the open primary are sure to be the Democratic and Republican parties and legislative party leaders. They argue that party registrants should determine party nominees, and the open primary will further weaken political parties in the state. "Our party hasn't taken an official position on the 'open' primary yet, but I suspect we will oppose it," said John Herrington, chairman of the state Republican Party. "Personally, I don't support it. It leaves room for a lot of mischief. The open primary would tend to blur the ideological lines between the two parties and more candidates would move to the center. That would be bad."

In a similar vein, Democratic consultant Bob Mulholland argued: "Would Lion's Club members invite Kiwanis members to vote in the election for the president of the Lion's Club? No way! I see the open-primary initiative mainly as a political agenda for David Packard to promote the candidacy of ... Tom Campbell."

Mulholland also argued that an open primary would encourage party raiding. "The open primary would work kind of like a special election, with all the candidates running on the same ballot. There would be all kinds of opportunities for Republican or Democratic party leaders to encourage their voters to switch and vote for the weakest candidate of the other party. We'll play under the rules that are adopted, but this would open the door to manipulation."

That fear has not materialized in other states, however. According to political scientist Hugh Bone of the University of Washington, the blanket primary in his state has not led to organized party raids by one party against the other. Bone said there is no evidence to suggest that Washington voters have been more energized to vote because of the state's blanket primary.

Assemblyman Phil Isenberg (D-Sacramento) was skeptical of the benefits of the open-primary initiative and felt there was an "Episcopalian" impulse to it. The backers of the initiative are "the white Protestant, well-to-do, highly educated pillars of the community who always want to dictate to the rest of society their values. I can't guess what the ultimate consequences of the open primary might be — it's a leap into the dark. It would further weaken parties and could conceivably bring a kind of recall fervor to primaries."

Sharing Isenberg's negative assessment, Assemblyman Bernie Richter (R-Chico) said that he opposed it because he felt "it would significantly reduce the effectiveness of political parties in California. I think a much better institutional reform that would accomplish the same objectives of the open primary would be to guarantee no more political gerrymanders. Having a large number of marginal seats [where both parties are competitive] would force Republican and Democratic candidates in these districts to look beyond their core party constituencies."

Senate Minority Leader Rob Hurtt (R-Garden Grove), on the other hand, said he had "no problem" with the open primary for statewide elections, "but I do foresee trouble in legislative races at the district level where a few thousand votes can determine the outcome." Hurtt was concerned that in a high-registration GOP district, featuring a crowded Republican primary, Democrats could play a spoiler role by voting for the weakest Republican. He pooh-poohed the notion that electing more moderates to the Legislature might defuse partisan conflict.

Republican campaign consultant Wayne Johnson admitted that he had mixed feelings. "I like clear contrasts between the Republican point of view and the Democratic — the spirit of debate and the give-and-take. The open primary would lead to less well-defined, rich man's candidates running for office."

Johnson also scoffed at the notion that electing more Republican and Democratic moderates would promote more legislative harmony and effectiveness. "Not at all," he said. "The pettiness in the Legislature is not ideological; it's personality-driven. Willie Brown had the power to keep bills locked in committee at the behest of special interests and their campaign contributions. He didn't want floor debate on these bills." While Johnson admitted that the open primary could stimulate more turnout in primaries, he contended this would not automatically make it better. "To register independent means you skip the primary. It's a self-absorbed act. The voter is saying, in effect, 'I choose to be irrelevant.'"

What are the prospects for victory for the open primary? At this point in time, chances of success for proponents seem reasonably good. A Charlton poll done recently and an older Mervin Field survey indicate that about two-thirds of Californians favor an open primary, once it's been explained to them. And that explaining may be the fly in the ointment. Open primary is not a hot-button, emotional issue, such as term limits, three-strikes, illegal aliens, or the pending Civil Rights initiative to eliminate affirmative action. Thus, winning public approval requires a substantial educational campaign by proponents. The question is: Will anyone listen?

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Washington Notes

PERSPECTIVE

By Mark Z. Barabak

Clinton's goodie bag

"What did you bring me?"

That greeting — familiar to any traveling parent of small children — is one President Bill Clinton may have grown accustomed to hearing on his ever-more frequent visits to California.

Though oft-repeated, the fact remains: Clinton simply must carry California and capture its 54 electoral votes to have any realistic shot at winning re-election next year. As a result, the president has spent the past three years embarked on a remarkable California courtship.

Forget flowers and chocolate. How about $500 million to retrain laid-off defense workers. Or $1 billion in Northridge earthquake relief. Or $300 million for winter storm damage. How about all three, and much, much more!

Governor Pete Wilson, having seen his own presidential aspirations decisively thwarted, makes no secret of his pique. "We need a president who won't come to California and try to buy votes by playing Santa Claus," he groused to delegates at the state GOP's fall convention.

Scarcely a week earlier, Clinton had announced a dramatic $364 million rescue of Los Angeles County's failing health-care system, perhaps the most vivid demonstration of presidential clout and the administration's California consciousness. The bailout, announced just 10 days before the planned closure of a public health-care system serving millions of needy Southland residents, was bannered in World War II-size type in the *Los Angeles Times*. Local television stations — notorious for shunning political coverage — broke into their regular programming to provide live coverage of Clinton's announcement from the tarmac at Santa Monica Airport.

Ho, ho, ho, indeed.

The Los Angeles bailout offers a good example of how the politically attuned, clued-into-California White House works. The manager of the state portfolio is John Emerson, an affable veteran of state politics who is expected next year to reprise his role as manager of Clinton's California campaign. For the past six months, Emerson — who still owns a home in Los Angeles and speaks of "our schools here in California" as he sits in his Washington office — kept apprised of the increasingly critical state of the Los Angeles health-care system.

As the threatened October 1st shutdown approached, the administration gathered state, county and federal negotiators in Washington and pressed them to reach some sort of accommodation to avert a health-care meltdown. The rescue package, involving an advance of federal funds and a waiver of federal guidelines to free up further monies, was hammered out just hours before its announcement, midway through a Clinton fund-raising tour of the state. In return for the bailout, the county agreed to restructure — and most likely downsize — its sprawling network of public hospitals and community clinics.

The timing of the announcement, Emerson insisted, was purely coincidental. But elated White House officials traveling with the president couldn't resist pointing out to reporters the symbolism of the moment: Clinton flying to the rescue of Los Angeles County while Wilson was away in New Hampshire, caught up in the death throes of his ineffectual presidential campaign.

Will it work for Clinton? Can money buy him affection — or, more crucially, California's 54 electoral votes — in this age of deficit awareness and pull-in-your belt Republican rule?

Dan Schnur, the quick-draw quipster of Wilson's abortive presidential campaign, thinks not. "The Clinton White House is good at gift-giving," Schnur said. "What they have yet to demonstrate is an understanding or an appreciation of California's challenges and the federal government's role in dealing with those challenges."

"If Bill Clinton has to stand up in a debate in California next October and say, "'I know I'm on the wrong side of illegal immigration, affirmative action, crime, welfare reform, but I did leave you a pot of money last year,' that's not good enough."

Emerson, needless to say, disagrees. "This is not about simply giving out a pot of money and taking credit for it. In Los Angeles County, we didn't say, 'We'll write you a check to solve the problem.' We relaxed some regulations to give them the flexibility to reform the system, then made sure the cash flow was there so the system didn't collapse in the meantime.

"You have Bill Clinton taking the tangible steps to improve California schools, bring down the crime rate and help L.A. solve its health-care crisis. That's very different than just coming in and handing out a blank check, and I think Californians understand that."

Mark Z. Barabak is a Washington, D.C., correspondent for Copley Newspapers.

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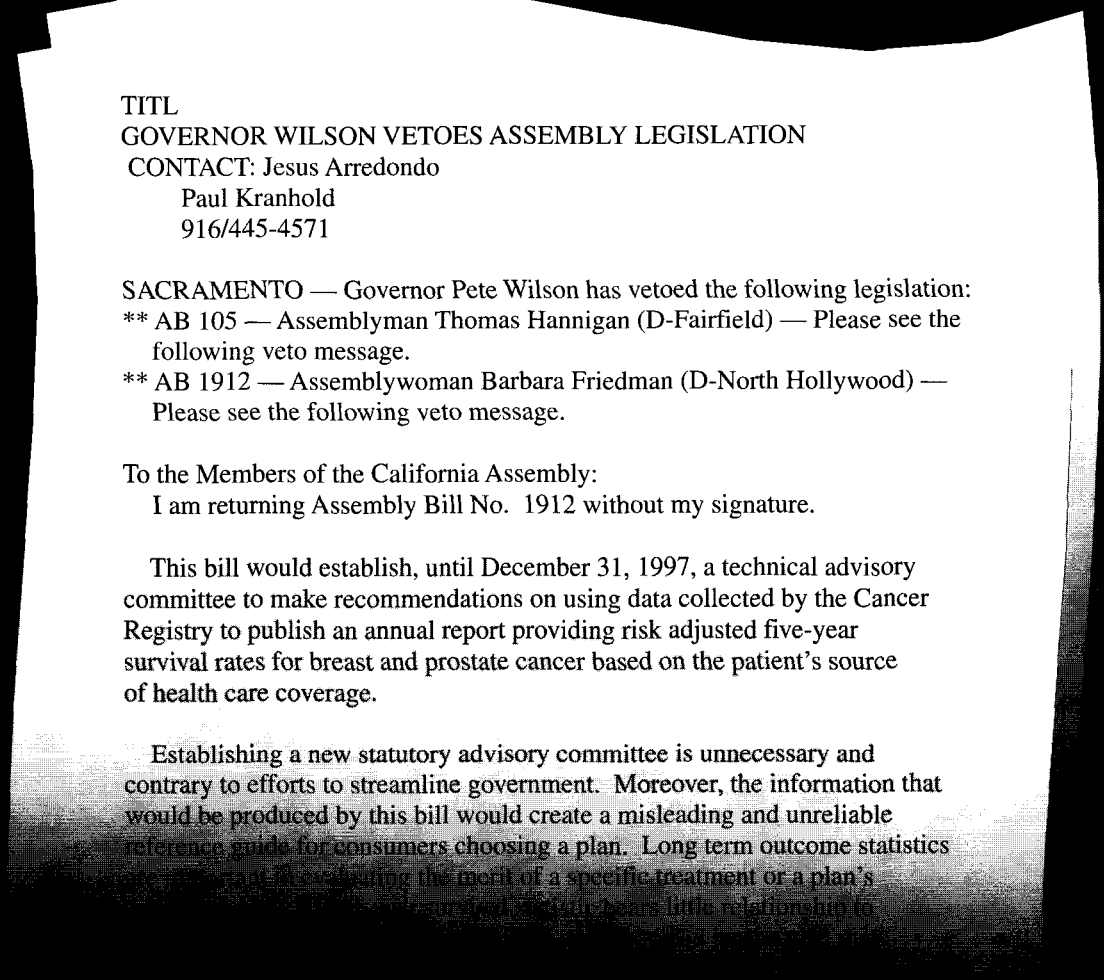
EVEN WHEN THEY'RE OUT, WE'RE IN.



TITL
GOVERNOR WILSON VETOES ASSEMBLY LEGISLATION
CONTACT: Jesus Arredondo
Paul Kranhold
916/445-4571

SACRAMENTO — Governor Pete Wilson has vetoed the following legislation:
** AB 105 — Assemblyman Thomas Hannigan (D-Fairfield) — Please see the following veto message.
** AB 1912 — Assemblywoman Barbara Friedman (D-North Hollywood) — Please see the following veto message.

To the Members of the California Assembly:
I am returning Assembly Bill No. 1912 without my signature.

This bill would establish, until December 31, 1997, a technical advisory committee to make recommendations on using data collected by the Cancer Registry to publish an annual report providing risk adjusted five-year survival rates for breast and prostate cancer based on the patient's source of health care coverage.

Establishing a new statutory advisory committee is unnecessary and contrary to efforts to streamline government. Moreover, the information that would be produced by this bill would create a misleading and unreliable reference guide for consumers choosing a plan. Long term outcome statistics [illegible] evaluating the merit of a specific treatment or a plan's [illegible] bear little relationship to

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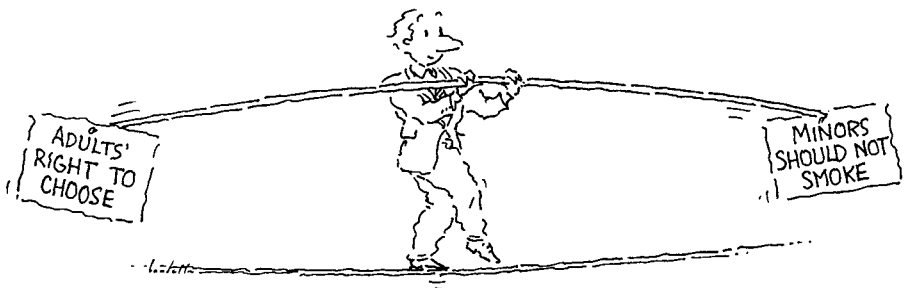
Our position, word by word.

Balance



At Philip Morris, we believe that adults have a right to choose whether or not to smoke.

But we also believe that minors should not smoke. These two issues — preserving the right of adults to make personal choices and preventing minors from having access to cigarettes — are equally important. But they should be addressed separately. It's important to maintain a balanced view so both issues get the attention they deserve.

For instance, our recently launched initiative, *Action Against Access*, is one of the most comprehensive programs ever introduced to prevent minors from having access to cigarettes. We are confident that this program will make a difference.

On the other hand, we will continue to vigorously support the right of adults to make personal choices.

Our position is that the issue of youth and cigarettes should not be used to curtail the freedom of those adults who choose to smoke.

It's important to prevent minors from having access to cigarettes. But it's just as important to respect the rights of adult smokers and nonsmokers to make individual choices.

PHILIP MORRIS U.S.A.

We want you to know where we stand.

Facts Matter In June of this year, Philip Morris voluntarily stopped distributing free samples of all its cigarette brands in the United States as part of its *Action Against Access* program.

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